The City Council of the City of Raleigh met in regular session on Tuesday, March 15, 1983, at 1:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and invocation was rendered by the Reverend H. Edwin Pickard of the White Memorial Presbyterian Church after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION - WEEK OF THE YOUNG CHILD - PROCLAIMED

Mayor York read a proclamation proclaiming March 19 through 26 as Week of the Young Child in the City of Raleigh. Mrs. Ann Noland, president of the Raleigh/Wake Chapter of the North Carolina Association for the Education of Young Children, was present with the following preschool children: Amelia Martin, Koski Kostibus, Andrea and Ellen Phelps, Emily Allen, Evan Rogister and Bryan Stancil. Mrs. Noland accepted the proclamation on behalf of the children.

MEMORIAL AWARD - HARVEY KARSEVAR - PRESENTATIONS MADE

Mayor York explained that Harvey Karsevar was a fine, outstanding coach associated with the City Little League. He indicated he knew Mr. Karsevar and his son played on Mr. Karsevar's team. He indicated, unfortunately, due to an accident Mr. Karsevar passed away last year and some of his friends and associates had gotten together and have established the Harvey Karsevar Memorial Award. He called on Bill Teague for presentation of the awards.

Mr. Teague indicated this is the first year of the Harvey Karsevar Memorial Awards. He stated the friends and associates wanted to establish the award in his honor pointing out he was a fine example for the young people to follow. He stated the first award would be the Coach of the Year which this year is being presented to Wiley Warren. He indicated Mr. Warren has been coaching at Jaycee Park and has coached in the Raleigh Youth Program ten to twelve years. He explained that he has no children involved in the program pointing out he started with the program when his son played basketball and the son is now playing at NCSU. Mr. Teague read from the Jaycee Center Park Director's statement relative to Mr. Warren's attributes. Mr. Teague indicated, in addition to the plaque being presented to Mr. Warren, a permanent plaque will be given to the Recreation Department and each year the winner of the Coach of the Year Harvey Karsevar Memorial Award will be added.

Mr. Teague indicated a second award will be made to the Rookie Coach of the year. He indicated this year's winner is Butch Gunnels. He explained Mr. Gunnels is unable to be at the meeting and David McCurry will accept the award on behalf of Mr. Gunnels. Mr. Teague indicated he could best explain Mr. Gunnels winning by reading Mr. Gunnels' own write up explaining his philosophy in coaching.

PROCLAMATION - DEMOLAY WEEK - PROCLAIMED

Mayor York read a proclamation proclaiming March 13 through the 20 as Demolay Week in the City of Raleigh. He pointed out this is the 64th anniversary of Demolay. Ahmad Ali, Junior Counselor of the Raleigh Chapter Order of the Demolay, was at the meeting to receive the proclamation.

CERTIFICATES OF APPOINTMENT - PRESENTATIONS MADE

Mayor York explained the presentation of the Certificates of Appointment and presented the following certificates: Appearance Commission - Cathy Reiger; Arts Commission - J. C. Knowles; Electrical Examining Board - R. E. Wimberly; Housing Authority Board of Directors - William H. DeBrito; and Human Resources and Relations Advisory Committee - Peter A. Rumsey (Mr. Rumsey was not at the meeting to accept the certificate).

PROCLAMATION - WOLFPACK MONTH PLUS FOUR - PROCLAIMED

Mayor York asked Councilman Keller to come to the podium to help him present a proclamation. He indicated the Council is very proud of the NCSU Wolfpack in winning the ACC and they had hoped that some of the team could be at the meeting to receive the proclamation. He pointed out, however, he had told Coach Valvano that he had rather them practice and get ready for the upcoming games. Mayor York read the proclamation proclaiming March 1 through April 4 as Wolfpack Month Plus Four pointing out the finals will be in Albuquerque on April 4.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. Mayor York explained the vote on the Consent Agenda will be a roll call vote. Mr. Edwards requested THAT THE PROPOSED AWARD OF CONSTRUCTION CONTRACTS - NEUSE RIVER WASTEWATER TREATMENT PLANT EXPANSION, GREEN ROAD COMMUNITY CENTER DESIGN, AND THE CHANGE ORDERS RELATING TO THE NEW MUNICIPAL BUILDING BE WITHDRAWN. Without objection these items were withdrawn from the Consent Agenda. Mr. Upchurch MOVED THAT ADMINISTRATION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - MASSEUSE LICENSE - APPROVED

This was an application for a masseuse license requiring City Council approval. The applicant's name is Carol Moore and she will be conducting her business at the YWCA of Wake County, Incorporated at 1012 Oberlin Road. POLICE AND ZONING REPORTS INDICATE APPROVAL. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

CETA BUDGET - PROPOSED AMENDMENT TO 1982-83 - APPROVED

The Agenda indicated Council Members received a list of budget amendments that are necessary to align the 1982-83 CETA budget. This action is necessary since final FY 82 allowable carry-over has been determined and needs to be added to the total FY 83 availability. These amendments will allow for a balancing between budgeted accounts and total allocation availability received from the Department of Labor. Administration recommends that these budgets be approved so that there will be a correlation between the budgeted amount and the authorized amount from DOL. Consent Agenda approval - Upchurch/Calloway - 8 ayes. Ordinance 77.

ORDINANCE NO. (1983) 77

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 CETA fund appropriations be amended as follows to reflect the net increases in the Administrative and Services grants:

Revenues		
03-1-5200-100	82/83 CETA Adm.	$ 23,229.00
03-1-5400-100	82/83 CETA Svc's.	42.00
		$ 23,271.00

Expenses:		
03-2-5200-100	Adm. Salaries	$ 18,944.16
03-2-5200-101	Fringe Costs	2,364.60
03-2-5200-232	Adm. Rent	1,920.24
03-2-5400-109	Svc. Allowances	(57,766.30)
03-2-5400-110	Svc. Dependency	913.74
03-2-5400-111	In-School Wages	(2,776.27)
03-2-5400-114	Adult Wages	498.33
03-2-5400-117	In-School Fringes	(155.79)
03-2-5400-120	Adult Fringes	38.37
03-2-5400-121	Non-Wage Fringes	(245.04)
03-2-5400-134	Child Care	(7,875.00)
03-2-5400-135	Transportation	(5,491.57)
03-2-5400-211	LEA Wages	(3,414.47)
03-2-5400-217	LEA Fringes	(262.89)
03-2-5400-233	LEA Travel	(107.00)
03-2-5400-534	Contingency	76,685.89
		$ 23,271.00

Adopted: 3/15/83

CETA SUBCONTRACT - C. C. MANGUM, INCORPORATED - AUTHORIZED

This is an OJT contract for seven slots for Asphalt Paver Operators, Asphalt Roller Operators, Asphalt Distributor Operators, and Laborers. The contract period begins March 28, 1983, and runs through August 31, 1983, at a total cost of $12,150 to CETA. IT IS RECOMMENDED THAT THE CITY COUNCIL APPROVE THE CONTRACTS. Consent Agenda approval - Upchurch/Calloway - 8 ayes. Resolution 190 TF 32.

RESOLUTION NO. (1983) 190 TF 32

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following transfer is hereby approved as follows in order to establish budgetary account for CETA O.J.T. contract with C. C. Mangum, Inc. from March 28, 1983, through August 31, 1983:

From:		
03-2-5400-535	O.J.T. Contingency	$12,150.00
To:		
03-2-5450-100	C. C. Mangum, Inc.	$12,150.00

Adopted: 3/15/83

SLUDGE APPLICATION AGREEMENT - JIMMY ADAMS - MAYOR AUTHORIZED TO SIGN

This is a sludge application agreement to permit the City to apply sludge on the Jimmy Adams farm. IT IS RECOMMENDED THAT THE COUNCIL AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT SO THAT THE CITY CAN REQUEST A PERMIT AMENDMENT FROM NCDNRCD. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

SLUDGE APPLICATION AGREEMENT AND LEASE - PAUL ADAMS - APPROVED

This is a lease agreement along with a sludge application agreement for the Paul Adams tract of farmland. The City would be leasing approximately 42 acres of farmland for sludge application along with crop production. The lease is for a five year agreement, at a cost of $25 per acre per year (total of $1,050 per year), payable April 1, of each year of the lease period. With the lease, the City will receive all of the revenue from the sale of the crops produced. The sludge application agreement is per the City's standard agreement. IT IS RECOMMENDED THAT THE COUNCIL AUTHORIZE THE MAYOR TO SIGN THE LEASE AND SLUDGE APPLICATION AGREEMENTS IN ORDER TO ALLOW THE CITY TO SUBMIT IT TO THE STATE FOR A PERMIT AMENDMENT. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

RECOMBINATION - RALEIGH HEBREW CEMETERY/ST. AUGUSTINE'S COLLEGE PROPERTY - APPROVED

Administration has received a request to approve a recombination plat that would allow expansion of the Raleigh Hebrew Cemetery, north of North State Street, through the cemetery's acquisition of land owned by St. Augustine's College. The new lot arrangement would leave a "panhandle" lot, to remain in the hands of St. Augustine's, with only a 15-foot frontage on North State Street. The minimum the City usually requires for frontage is 65 feet at the building line, and a lot arrangement that would discourage the "backyard" location of a dwelling, where there is no identifiable access to the house. Since this "panhandle" lot contains many grave sites and cannot be used for a building, this may be a reasonable exception. In the past, such lot "frontage" questions have been dealt with by City Council on a case-by-case basis. ADMINISTRATION RECOMMENDS THAT THE MAP INDICATING THE RECOMBINATION OF THE EXISTING LOTS BE APPROVED ALLOWING THE CREATION OF A LOT WITH A 15' FRONTAGE ON NORTH STATE STREET. Consent Agenda approval - Upchurch/Calloway - eight ayes.

SWIMMING POOLS - TRANSFER OF FUNDS - AUTHORIZED

Ezra Meir has informed the City that additional funds will be required for materials testing for the two swimming pools now under contract. The contract provides that material testing by the owner is listed as an extra service which requires extra compensation. Mr. Meir has indicated that his firm can handle this service at a cost not to exceed $5,000. COUNCIL APPROVAL OF THIS SERVICE TO BE PERFORMED BY EZRA MEIR ASSOCIATES, INCORPORATED AND APPROVAL OF A $5,000 TRANSFER OF FUNDS IS RECOMMENDED. Consent Agenda approval - Upchurch/Calloway - 8 ayes. See Resolution 191 TF 33.

BLOUNT STREET HISTORIC DISTRICT - CERTIFICATION FOR TAX ACT REHABILITATIONS - AUTHORIZED

This is a request for THE CITY COUNCIL TO AUTHORIZE THE MAYOR TO REQUEST THE STATE HISTORIC PRESERVATION OFFICER TO INITIATE CERTIFICATION OF THE CITY'S BLOUNT STREET HISTORIC DISTRICT AND THE CITY'S ORDINANCES DEALING WITH HISTORIC PROPERTIES. Council Members received in their Agenda packet a copy of a letter that has been prepared for the Mayor's signature making this request and APPROVAL OF THE REQUEST IS RECOMMENDED. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

COMMUNITY DEVELOPMENT - PUBLIC HEARING AUTHORIZED FOR 5/3/83

Administration REQUESTS THAT THE CITY COUNCIL AUTHORIZE A PUBLIC HEARING FOR MAY 3, 1983, TO RECEIVE COMMENTS CONCERNING THE PROPOSED COMMUNITY DEVELOPMENT BUDGET AND ACTIVITIES FOR FY 83-84. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

TAXICAB COMPANY - CHANGE OF NAME - APPROVED ON THE FIRST READING; TO BE PLACED ON 4/5/83 AGENDA

In accordance with City Code, Section 12-2051, Claudette E. Sutton has applied to change the name of her company from Triangle Express and Taxi to Tri-City Express Taxi Company. The purpose of the request is for name change only and ownership will remain the same. An investigation of the application was satisfactory, therefore, ADMINISTRATION RECOMMENDS APPROVAL ON THE FIRST READING WITH THE UNDERSTANDING IT WILL BE PLACED ON THE 4/5/83 AGENDA FOR A SECOND AND FINAL READING. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

TAXICAB OWNER'S PERMIT - ARCHIE C. BOND - APPROVED ON SECOND AND FINAL READING

During the March 1, 1983, Council Meeting, the Council approved an application from Archie C. Bond, Archie's Bus Service, Limousine and Taxi Service (New Franchise) on a first reading. ADMINISTRATION RECOMMENDS APPROVAL OF THE NEW FRANCHISE ON THE SECOND AND FINAL READING. Consent Agenda approval - Upchurch/Calloway - ayes.

TAXICAB OWNER'S PERMIT - VARIOUS - APPROVED ON FIRST READING; TO BE PLACED ON 4/5/83 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet requirements of the City Code. APPROVAL IS RECOMMENDED WITH THE UNDERSTANDING THE APPLICATIONS WILL BE PLACED ON THE APRIL 5, 1983, AGENDA FOR SECOND AND FINAL CONSIDERATION:

> Kenneth Chatman, Tri-City Express Taxi Company (New Individual Owner's Permit) and William Patterson, Tri-City Express Taxi Company (New Individual Owner's Permit).

Consent Agenda approval - Upchurch/Calloway - 8 ayes.

BUDGET AMENDMENTS - COMMUNITY DEVELOPMENT AND PARKS AND RECREATION - APPROVED

The Agenda presented a budget amendment in the amount of $40,000.00 in the Community Development Department to provide funds for greenway construction from unappropriated program income revenues. A budget amendment was presented from the Parks and Recreation Department in the amount of $100.00 for reimbursement from insurance company for tree damage on New Bern Avenue. Tree to be replaced from Park Tree and Shrub account. ADMINISTRATION RECOMMENDS APPROVAL OF THE BUDGET AMENDMENTS IN COMMUNITY DEVELOPMENT AND PARKS & RECREATION AS OUTLINED. Consent Agenda approval - Upchurch/Calloway - 8 ayes. Ordinance 78.

ORDINANCE NO. (1983) 78

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 Budget ordinance be amended as follows to accept reimbursement from insurance company for tree damaged on New Bern Avenue:

Revenue:

01-1-0070-200	Miscellaneous	$ 100.00

Expense:

01-2-6020-284	Trees & Shrubs	$ 100.00

Section 2. That the 1982/1983 Budget ordinance be amended as follows to provide funds for Greenway construction from unappropriated program income revenues:

Revenue:

43-1-4000-101	Program Income	$40,000.00

Expense:

43-2-4190-100	Greenway Construction	$40,000.00

Adopted: 3/15/83

CETA OJT CONTRACT - CITY MANAGER APPROVAL - INFORMATION RECEIVED

On March 4, 1983, the City Manager signed a contract with Raleigh Nursery School which provides training for one person. The contract period is March 14, 1983, to August 31, 1983, and will have a total CETA cost of $1,648.20. The item was received as information without comment.

TRANSFER - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of Administrative Transfers which have been approved by the City Manager according to Council procedure. CONCURRENCE WITH THE MANAGER'S ACTION IS RECOMMENDED. Consent Agenda approval - Upchurch/Calloway - 8 ayes. The transfers were as follows:

FROM	TO	AMOUNT
06-2-7030-225	06-2-7030-773	$225.00
18-2-0200-225	18-2-0200-221	300.00
39-2-1000-100	39-2-5300-104	675.00
01-2-1230-705	01-2-1230-640	89.00
01-2-1210-265	01-2-1210-298	100.00
19-2-8360-534	19-2-8360-279	300.00
01-2-6040-296	01-2-6040-218	5.00
43-2-4090-228	43-2-4090-213	600.00
43-2-4100-232	43-2-4100-240	700.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS AND APPROPRIATIONS - RESOLUTION AND ORDINANCE ADOPTED

The Agenda presented a number of transfers within various accounts and appropriations from contingencies for purposes as set out in the Agenda. ADMINISTRATION RECOMMENDS APPROVAL OF THE TRANSFERS AND APPROPRIATIONS AS OUTLINED. Consent Agenda approval - Upchurch/Calloway - 8 ayes. Resolution 191 TF 33 and Ordinance 79 TF 15.

RESOLUTION NO. (1983) 191 TF 33

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set fourth heretofore appropriated as set forth in the appropriations ordinance adopted June 29, 1982, and included in the budget for the fiscal year ending June 30, 1983, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown;

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From: 85-2-1080-000	NRWWTP - Expansion	$39,723.00
To: 85-2-1080-301	NRWWTP - H/V	39,723.00
Purpose: NRWWTP - Expansion - Phase I - For award of H/V.		
From: 38-2-1000-100	Council Reserve	$ 5,000.00
To: 38-2-2010-104	Swimming Pool D	5,000.00
Purpose: For testing materials assigned to the pool projects.		
From: 38-2-3040-100	Green Road	$36,900.00
To: 38-2-3040-102	Green Road B	36,900.00
Purpose: Green Road Community Center - Establish account for consulting Engineers fees.		
From: 43-2-9160-300	Public Services	$ 8,520.00
To: 43-2-9070-300	Rehab Loans & Grants	8,520.00
Purpose: To transfer unused prior year funds to program line item for use on rehab cases in progress.		
From: 43-2-9090-101	Fringes	$ 1,018.62
43-2-9090-226	Repairs to Off. Eq.	56.14
43-2-9090-228	Postage & Tele.	70.22
43-2-9090-229	Legal Ads	533.88
43-2-9090-231	Travel	219.77
43-2-9090-232	Rent	691.87
43-2-9090-236	Equip. Rental	95.33
43-2-9090-237	Auto Reimb.	150.00
43-2-9090-240	Print & Reproduction	1,437.19
43-2-9090-260	Office Supplies	624.19
43-2-9090-262	Moving Expense	231.75
43-2-9090-263	Office Repairs	20.00
43-2-9090-700	Office Equipment	51.46
43-2-9090-701	Auto	398.30
43-2-9110-230	Motor Veh. M&O	317.46

	CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
	43-2-9110-240	Print & Reprod.	107.53
	43-2-9110-260	Office Supplies	187.96
To:	43-2-9070-300	Rehab Loans & Grants	6,211.87

Purpose: To return prior year unused rehab support funds to program line item for use on rehab cases in progress.

From:	43-2-9100-100	Salaries	$11,047.52
	43-2-9100-101	Fringes	1,319.35
	43-2-9100-213	Registration & Subs.	148.50
	43-2-9100-226	Repairs to Office Equipment	40.00
	43-2-9100-231	Travel	43.07
	43-2-9100-232	Rent	375.10
	43-2-9100-240	Print & Reprod.	1,357.77
	43-2-9100-260	Office Supplies	495.13
	43-2-9100-261	Other	430.84
	43-2-9120-100	Salaries	2.49
	43-2-9120-231	Travel	53.97
	43-2-9120-239	Insurance	76.18
	43-2-9130-100	Salaries	1.05
	43-2-9130-239	Insurance	31.17
	43-2-9140-100	Salaries	2.35
	43-2-9140-239	Insurance	19.67
	43-2-9150-101	Fringes	15.37
	43-2-9150-231	Travel	342.92
	43-2-9150-239	Insurance	55.22
To:	43-2-9070-300	Rehab Loans & Grants	15,857.67

Purpose: To transfer prior year unused planning and RHA funds to program line item for use on rehab cases in progress.

From:	43-2-9010-261	Indirect Cost Alloc.	$ 719.91
	43-2-9020-301	Prop. Maintenance	192.42
	43-2-9090-100	Salaries	13,295.14
	43-2-9090-101	Fringes	826.01
To:	43-2-9050-300	Relocation	15,033.48

Purpose: To replace funds transferred in prior year grant, B-80-MC-37-0009, for F/Y 83-84 Homemaker-Home Health Services.

From:	01-2-4010-265	Other Services	$ 3,500.00
To:	01-2-4010-703	Misc. Equipment	3,500.00

Purpose: To purchase audio electronic intelligence device for Internal Affairs Unit.

From:	01-2-4030-235	Equipment Rental	$ 2,000.00
	01-2-4020-284	Educ. Assistance	2,000.00
	01-2-4020-243	Clothing	2,800.00
To:	01-2-4030-721	Misc. Equipment	6,800.00

Purpose: To buy equipment that was not budgeted.

From:	01-2-4020-243	Clothing	$ 1,600.00
To:	01-2-4040-728	Pagers	1,600.00

Purpose: To purchase four pagers.

From:	01-2-4020-243	Clothing	$ 1,400.00
To:	01-2-4020-603	Misc. Equipment	1,400.00

Purpose: To replace worn out training shotguns.

From:	01-2-4020-284	Educational Assistance	$ 1,500.00
To:	01-2-4020-282	School Training	1,500.00

Purpose: Additional funds needed for school training.

From:	30-2-1000-100	Council Reserve	$64,864.00
To:	30-2-3000-102	Boylan Bridge Engineering	64,864.00

Purpose: To provide supplemental agreement engineering fee funds approved by the Council on Feb. 1, 1983.

From:	02-2-1610-207	Shaw University	$ 1,325.00
	02-2-1610-216	Women's Center	286.08
To:	02-2-1610-217	Arts - Other	1,611.08

Purpose: Arts Commission programs.

Adopted: 3/15/83

ORDINANCE NO. (1983) 79 TF 15

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That $12,929.38 of the General Fund Contingency appropriation, Code Account 01-2-1040-001, is hereby transferred from that appropriation and added to the appropriations made in the 1982/83 Budget ordinance as follows:

$2,929.38 to Code Account 01-2-1220-265, Other Services, to reimburse Triangle J for excess TUCC computer charges incurred while transferring land use data files to the City's computers.

$10,000.00 to Code Account 01-2-1040-300, Fiscal Strength Comm., to provide additional funds for Raleigh Tomorrow Task Force.

Adopted: 3/15/83

BIDS - LAUREL HILLS SANITARY SEWER (WS 1983-2 - BID AWARDED TO RGK, INCORPORATED SUBJECT TO RECEIPT OF FUNDS FROM TWIN PINES LIMITED

Pursuant to advertisment as required by law, bids were received and publicly opened in the office of the Chief Engineer for WS 1983-2 - Laurel Hills sanitary sewer with results as follows: RGK, Incorporated - $95,331.20; J. F. Wilkerson, Incorporated - $117,590.25; Hawley Construction Company - $149,901.00; Carolina Roadbuilders, Incorporated - $173,004.50. ADMINISTRATION RECOMMENDS THAT THE LOW BID FROM RGK, INCORPORATED BE ACCEPTED SUBJECT TO RECEIPT OF THE FUNDS FOR THE PROJECT FROM TWIN PINES LIMITED PURSUANT TO CONTRACT BETWEEN THE CITY AND TWIN PINES. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

BID REQUEST 82-49 - FOUR-WHEEL FRONT LOADER - BID AWARDED TO NORTH CAROLINA EQUIPMENT COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on March 10, 1983, for four-wheel front loader with results as follows: North Carolina Equipment Company - $46,943.00; Cates Power and Equipment Company - $48,748.00; R. W. Moore Equipment Company, Incorporated - $48,877.53; Mitchell Distributing Company - $50,201.00; Interstate Equipment Company - $53,724.00; E. F. Craven Company - $53,773.00; Gregory Poole Equipment Company - $54,719.22; Spartan Equipment Company - $56,822.00. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY NORTH CAROLINA EQUIPMENT COMPANY BE AWARDED. Consent Agenda approval - Upchurch-Calloway - 8 ayes.

BID REQUEST - 82-51 - FRONT LOADER REFUSE COLLECTION UNIT - BID AWARDED TO SPECIALTY WASTE EQUIPMENT, INCORPORATED

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on March 10, 1983, for a front loader refuse collection unit with results as follows: Specialty Waste Equipment, Incorporated - $82,367.00; Sanco Corporation - $89,225.00. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY SPECIALTY WASTE EQUIPMENT, INCORPORATED BE ACCEPTED. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

BID REQUEST 82-54 - FILTER SAND - BID AWARDED TO FOSTER-DIXIANA SAND, INCORPORATED

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on March 10, 1983, for ninety tons of filter sand with results as follows: Foster-Dixiana Sand, Incorporated - $4,306.50; Northern Gravel Company - $14,750.10. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY FOSTER-DIXIANA SAND, INCORPORATED BE ACCEPTED. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

PU PROJECTS 1983-3, 4 AND 5 - VARIOUS LOCATIONS - RESOLUTIONS OF INTENT ADOPTED

ADMINISTRATION REQUESTS THAT THE CITY COUNCIL ADOPT A RESOLUTION OF INTENT TO SET A PUBLIC HEARING DATE OF MAY 3, 1983, TO CONSIDER THE FOLLOWING PUBLIC UTILITY PROJECTS:

PU 1983-3 - Installation of approximately 360 feet of 6-inch water main to replace an existing 2-inch water main to be installed in Owens Lane from Fitzgerald Drive to Bunche Drive at an estimated cost of $7,200 with assessment on the front footage basis to apply. The request is made by the Public Utilities Department due to the high maintenance cost over the last year of $2,654.46.

PU 1983-4 - Installation of approximately 1,502 feet of 8-inch sanitary sewer main to be installed at the dead end of the existing main in Sanderford Road Park and extending southward within an easement at an estimated cost of $38,000 with assessment to be on the abutting footage basis. The request was made by Joe Elleby, owner of the property.

PU 1983-5 - Installation of approximately 65 feet of 12-inch water main within Creech Road beginning at the present dead end and extending southward to the City Limits at an estimated cost of $1,600 with assessment to be based on front footage method. The request was made by Delta Creech Associates.

Consent Agenda approval - Upchurch/Calloway - 8 ayes. Resolution 192.

RESOLUTION NO. (1983) 192

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water and sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water and sewer mains located and described as follows:

(A) PU 1983-3 - Installation of 360 feet of 6-inch water main to replace existing 2-inch water main in Owens Lane from Fitzgerald Drive to Bunche Drive.

(B) PU 1983-4 - Installation of approximately 1,502 feet of 8-inch sewer main beginning at the dead end of the existing main in Sanderford Road Park and extending southward 1,502 feet within an easement.

(C) PU 1983-5 - Installation of approximately 65 feet of 12-inch water main within Creech Road beginning at the present dead end and extending southward 65 feet ± to the City Limits.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method; Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the third day of May, 1983, at 7:00 p.m., in the Council Chamber, Room 315, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: May 15, 1983

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the Traffic Code relating to Code Revision - exceptions to time limitations and no parking on Clark Avenue. The Agenda also indicated the Department of Transportation recommends that loading zone reservations be authorized by the City Council for Market Place in conjunction with the ArtsPlosure celebration on the Fayetteville Street Mall between April 18 and May 6, 1983. This recommendation is necessary to allow the sound system vehicle which will be providing sound for ArtsPlosure performers, an area in which to park at such time as its services are required on the Mall. If approved, it shall be necessary to make application and payment of the prescribed fees through the Revenue Collector in accordance with the City Code. It is not anticipated that this action will affect normal traffic activity in the downtown area. ADMINISTRATION RECOMMENDS APPROVAL OF THE TRAFFIC ITEMS AS OUTLINED ON THE AGENDA. Consent Agenda approval - Upchurch/Calloway - 8 ayes. Ordinance 80 and Ordinance 83.

ORDINANCE NO. (1983) 80

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Clark Avenue, south side, from Horne Street, westward 112 feet

Amend said Schedule further by deleting the following:

Clark Avenue, SW corner at Horne Street 50 feet

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective March 22, 1983.

Adopted: 3/15/83

Effective: 3/22/83

ORDINANCE NO. (1983) 83

AN ORDINANCE TO AMEND CHAPTER 11 OF THE CODE OF THE CITY OF RALEIGH ENTITLED "TRANSPORTATION"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Chapter 11-2207 of the Code of the City of Raleigh entitled "Exceptions to parking time limitations and to required activation of parking meters by deposit of coins; parking space encumbrance" be amended by adding the following underlined words:

"(a) When parking or loading on the streets of the city is prohibited for longer than the time limits stated in this Chapter and/or when parking is permitted in metered parking spaces only when the operator of a vehicle, upon entering the parking meter space, immediately activates or causes to be activated the timing mechanism on the meter in accordance with this chapter, the operator of a motor vehicle or other person may park on or otherwise incumber the parking areas, or meter spaces or loading zones on the streets of the city for periods of time longer than otherwise permitted by this chapter and without activating any parking meter or meters when the following conditions have been satisfied and when a permit has been issued for the incumbrance of a parking area by hooding or covering of the meter or otherwise restricting public parking in the parking space."

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption, March 15, 1983.

Adopted: 3/15/83

Effective: 3/15/83

END OF CONSENT AGENDA

NEUSE RIVER WASTEWATER TREATMENT PLANT EXPANSION - CONTRACT 1C - AWARDED TO MECHANICAL ASSOCIATES, INC.

Hazen and Sawyer, Inc., the City's Engineers, recommends award of Contract 1C, Heating and Ventilation, to Mechanical Associates, Incorporated of Cary in the amount of $39,723.00. The City Council was informed during the meeting of February 15, 1983, that there were insufficient bids received to open this bid on the first advertisement. Correspondingly, only one bid, the one from Mechanical Associates, was received on the second advertisement. The engineers' estimate for this work was in the range of $30,0000 to $50,000. Administration RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE AWARD OF THIS CONSTRUCTION CONTRACT TO MECHANICAL ASSOCIATES, INCORPORATED IN THE AMOUNT OF $39,723.00 AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT DOCUMENT ON BEHALF OF THE CITY.

Mr. Edwards indicated he had requested this item be removed from the Consent Agenda indicating he was a little confused. He indicated the engineer had estimated the project cost between $30,000 and $50,000. He indicated that is quite a spread on the estimate and then the project come in between the two. City Attorney McCormick indicated the project could be awarded when only one bid was received, pointing out this was the second advertisement, if there are funds available for the job. Mr. Edwards questioned why the engineer had such a range in his estimate. Public Utilities Director Butler indicated this contract is somewhat of a nuisance contract in a project that will cost over $6,000,000. He indicated the work will not be done until about eighteen months down the road. He stated, however, for the sake of coordination, the contract should be awarded at this time or at the same time the other contracts were awarded. Mr. Butler indicated we do not know how much a factor the contractor built in to protect himself since the work will not be done for some time with Mr. Edwards indicating he felt that for coordination sake the contract should be

awarded at this time. Brief discussion took place and Mr. Edwards moved Administration's recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

GREEN ROAD COMMUNITY CENTER DESIGN - CONTRACT AWARDED TO PLANNING AND DESIGN ASSOCIATES

The Agenda indicated Administration has negotiated an agreement for design of the Green Road Community Center with Planning and Design Associates, P.A. This agreement specifies a design fee of 8.2% of the $450,000 project. The Agenda indicated Planning and Design Associates do plan a limit of six meetings to be covered by this fee - three night meetings with the Committees involved and three day meetings. Administration RECOMMENDS APPROVAL OF THE CONTRACT AND THE PROJECT INITIATION FORM IN THE AMOUNT OF $36,900 TO COVER THIS PROJECT. Mr. Edwards indicated the contract limits the meetings to six meetings. He questioned if additional meetings are needed, if the contract is flexible, or how the Architect would be paid. City Manager Zachary indicated the contract does call for six meetings. He indicated if additional meetings are required, they go to a per hour basis. He indicated we have run into some problems with this type work as the Citizens Master Plan Committee requires more meetings and more work. Mr. Zachary indicated that he is recommending approval of the contract with the understanding that if there is a need to go beyond the six meetings, that we would come back to Council for authorization for future meetings. He indicated if it goes beyond the six meetings, Planning and Design Associates has indicated it would cost $40 per hour depending on who in the firm participates in the meeting. Mr. Edwards indicated with the understanding that if there is a need to exceed six meetings, that Administration will come back to Council for authorization for additional meetings, he would move approval of Administration's recommendation. His motion was seconded by Ms. Babb.

Mr. Walters indicated 8.2% seems extremely high. He questioned if that is in line with what we have been paying on other design fees with City Manager Zachary indicating it is within the unwritten guidelines. He stated it is a little on the high end but it is within the guidelines. Mr. Walters indicated he understood we had paid 5% on some projects with City Manager Zachary indicating he did not remember paying as low as 5%. Lengthy discussion took place on how the fee was negotiated, how we select professional service contractors, whether the 8.2% fee was in line, the negotiations with the Citizens Committee relating to master park planning, the range of architectural fees, the cost of the project, fees on the Municipal Building and parking deck, etc. City Manager Zachary indicated the smaller the project, normally the higher the percentage fee. After lengthy discussion, the motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 191 TF 33.

MUNICIPAL BUILDING - CHANGE ORDERS E-3 AND G-2 AND RELATED TRANSFERS - REFERRED TO MUNICIPAL BUILDING COMMITTEE; ALL FUTURE CHANGE ORDERS RELATING TO MUNICIPAL BUILDING TO BE REFERRED TO MUNICIPAL BUILDING COMMITTEE PRIOR TO COMING TO COUNCIL

The Agenda outlined several change orders on the new Municipal Building including Change Order E-3 - Bolton Corporation which is an addition of $4,372 and Change Order G-2 - Midsouth Construction Company which is an addition of $5,498.64. The Agenda also outlined related transfers that would be needed if the change orders were approved. Mr. Edwards indicated that he had requested that these items be withdrawn from the Consent Agenda and would request THAT THE CHANGE ORDERS AND RELATED TRANSFERS RELATING TO THE MUNICIPAL BUILDING BE REFERRED TO THE MUNICIPAL BUILDING COMMITTEE. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Mayor York indicated in order to save time HE WOULD SUGGEST THAT ALL CHANGE ORDERS RELATING TO THE MUNICIPAL BUILDING COME TO THE COUNCIL THROUGH THE MUNICIPAL BUILDING COMMITTEE RATHER THAN DIRECTLY TO THE COUNCIL. Without objection this was agreed to.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS PRESENTED

Mayor York presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mr. Edwards REQUESTED TO BE EXCUSED FROM PARTICIPATION IN CR-1879 (S-159-82), CR-1884 (S-21-83) AND CR-1885 (S-22-83). He indicated his company did work on these projects and they had to be resubmitted for slight modifications, therefore, he would like to be excused from participation. Without objection, Mr. Edwards was excused from voting on these matters. Mr. Calloway MOVED THAT THE PLANNING COMMISSION'S RECOMMENDATIONS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. The items on the Consent Agenda were as follows:

SC-180 - BRENTWOOD SQUARE SIGN CRITERIA REVISIONS - DENIED

This was a request for approval to revise the current sign criteria to allow any colored signs within the Shopping Center. The property is located at the northwest corner of New Hope Church Road and Brentwood Road, inside the City Limits.

CR-1839 from the Planning Commission recommended that this request be denied. Consent Agenda approval: Calloway/Upchurch - 8 ayes.

SUBDIVISION S-159-82 - BENSON-ROYAL - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a currently undeveloped 9.36 acre tract into three (3) parcels, two (2) zoned Neighborhood Business and the third zoned Office and Institution-II. The property is located at the southwest corner of Navaho Drive and Wake Forest Road, inside the City Limits.

CR-1879 from the Planning Commission recommended that this request be approved according to a map entitled, "Benson-Royal Subdivision," the property of Benson/Royal, drawn by John A. Edwards and Company, dated October 19, 1982, with the following conditions: (1) that the 30-foot access easement be recorded; (2) that there be no parking along that easement; and (3) that all cross-parking and/or access agreements be reviewed and approved by the City Attorney's Office prior to recording the final plat. Consent Agenda approval: Calloway/Upchurch - 7 ayes - Edwards excused during vote on Consent Agenda.

SUBDIVISION S-15-83 - FARMINGTON WOODS - APPROVED WITH CONDITIONS

This was a request for approval of Phase I consisting of the subdivision of 50 single-family lots on 14.50 acres from a currently undeveloped 36.1 acre tract, zoned Residential-6.

The property is located on the east side of Creech Road, just south of Rock Quarry Road, outside the City Limits.

CR-1880 from the Planning Commission recommended that this request for Phase I be approved according to a map entitled, "Farmington Woods," the property of Homestead Land Services, Inc., drawn by B. Kenneth Martin, dated February 18, 1983, with the following conditions: (1) That the developer will pay utility acreage fees as the property is developed but will not be eligible for any sanitary sewer reimbursements; (2) that the developer will install the pump station and maintain it; and (3) that the developer will install the force main from the pump station to a point on the gravity system where an engineering analysis by the developer would indicate to be the most appropriate location and with the location being approved by the City. Consent Agenda approval: Calloway/Upchurch - 8 ayes.

SUBDIVISION S-17-83 - HOMEPLACE SQUARE - APPROVED WITH VARIANCE

This was a request for approval to subdivide 12.18 acres into 18 lots for a quadra-plex development, zoned Residential-10.

The property is located on the west side of Hoyle Drive, between Millbrook Road and Brockton Drive, inside the City Limits.

CR-1881 from the Planning Commission recommended that this request be approved according to a map entitled, "Homeplace Square," the property of W. B. Niverson, drawn by Bass, Nixon and Kennedy, dated February 1, 1983, with the condition that a variance is granted on the horizontal radius on proposed Random Lane, per Section 10-3004. Consent Agenda approval: Calloway/Upchurch - 8 ayes.

SUBDIVISION S-18-83 - OAK PARK TOWNES OFFICE CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to construct a 19,765 square foot office condominium project with three (3) buildings on a currently undeveloped 1.42 acre tract, zoned Office and Institution-1.

The property is located at the end of Bur Oak Circle, off of Holly Ridge Drive, inside the City Limits.

CR-1882 from the Planning Commission recommended that this request be approved according to a map entitled, "Oak Park Townes Office Condominiums," the property of David R. Williams, drawn by William Robert Wakeham, dated February 21, 1983, with the condition that the legal documents for the non-profit owners association be reviewed and approved by the City Attorney's Office prior to recording the final plat. Consent Agenda approval: Calloway/Upchurch - 8 ayes.

SUBDIVISION S-21-83 THORPSHIRE FARM REVISION (PLANNED UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a currently undeveloped 102.18 acre parcel, zoned Residential-4, and develop as a Planned Unit Development with 141 single-family lots and 174 townhouse units.

This property is located on the east side of Falls of the Neuse Road, just north of Haymarket Lane, extending to Litchford Road, outside the City Limits.

CR-1884 from the Planning Commission recommended that this request be approved according to a map entitled, "Thorpshire Farm Revision (Planned Unit Development);" the property of Frank W. Benson; drawn by John A. Edwards and Company; dated February 1, 1983; that is, (a) that the single-family lots be approved with the following conditions: (1) that the developer will install the pump station and dedicate it to the City; (2) that the developer will install the force main from the pump station to a point on the gravity system where an engineering analysis by the developer would

indicate to be the most appropriate location and with the location being approved by the City; (3) that the developer will petition for annexation as the property develops; (4) that the developer will pay utility acreage fees as the property is developed but would not be eligible for any sanitary sewer reimbursements; (5) that the developer will pay a system development fee for each dwelling unit which will be determined later by the City and would be used to aid in development of the sewer system to ultimately serve the basin; (6) that the City may add a user surcharge to aid in the capital cost associated with the ultimate service of sanitary sewer in this area; (7) that the developer will install a 12-inch water line in Litchford Road from Falls of the Neuse Road to the south side of the property to aid in fire flow and circulation, with this line being installed by the time the property is 50 percent developed; (8) that the developer will agree to escalate construction of the water lines in the subdivision, if needed, to serve other properties on Litchford Road; (9) that the legal documents for the nonprofit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plat; and (10) that the legal documents contain a statement that all improvements located in the proposed outer Beltline right-of-way be removed without cost to governmental purchaser and that said right-of-way be sold as if it were vacant land without any regard to improvements located in the right-of-way; and (b) and that the concept of the townhouse area showing general location of 174 units be approved with the condition that when this phase of the project is reached, the applicant resubmit plans for that area for approval by the Planning Commission and City Council. Consent Agenda approval: Calloway/Upchurch - 7 ayes - Edwards excused on vote on Consent Agenda.

SUBDIVISION S-22-83 - PEPPERDYNE III - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a currently undeveloped 7.6 acre parcel into 13 quadraplex lots, zoned Residential-10.

The property is located on the west side of Hoyle Drive, just north of Brockton Drive, inside the City Limits.

CR-1885 from the Planning Commission recommended that this request be approved according to a map entitled, "Pepperdyne III," the property of Raleigh Associates, Inc., drawn by John A. Edwards and Company, dated January 21, 1983, with the condition that a note be placed on the recorded plat stating that these lots shall be developed at a maximum of four (4) units per lot. Consent Agenda approval: Calloway/Upchurch - 7 ayes - Edwards excused on vote on Consent Agenda.

SUBDIVISION S-23-83 - BLUFFRIDGE AT GREYSTONE - APPROVED

This was a request for approval to subdivide a currently undeveloped 154 acre tract into 73 lots, zoned Residential-4 and Residential-6. Sixty-seven (67) lots will be for single-family units and six (6) lots for future development.

The property is located on the east side of NC 50, just south of Howard Road, inside the City Limits.

CR-1886 from the Planning Commission recommended that this request be approved according to a map entitled, "Bluffridge at Greystone," the property of Ammons, Inc., drawn by Bass, Nixon and Kennedy, dated January 28, 1983. Consent Agenda approval: Calloway/Upchurch - 8 ayes.

SUBDIVISION S-24-83 - HOLDEN PROPERTY - APPROVED

This was a request for approval to subdivide a 15 acre tract into two (2) lots, zoned Residential-4. Lot 1 (14 acres) is developed as a residential use, and Lot 2 (1 acre) is vacant.

This property is located at the southeast corner of Ray Road and Strickland Road, outside the City Limits.

CR-1887 from the Planning Commission recommended that this request be approved according to a map entitled, "Holden Property," the property of Thornie G. Holden, drawn by Larry Chasak, dated February 14, 1983. Consent Agenda approval: Calloway/Upchurch - 8 ayes.

SUBDIVISION S-26-83 - RAL-LEE - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a nine (9) acre tract into four (4) lots, zoned Industrial-1. Parcels 20-A and 23 are developed with commercial uses.

This property is located on the west side of US 401 South (the Brendle's Shopping Center), inside the City Limits.

CR-1888 from the Planning Commission recommended that this request be approved according to a map entitled, "Ral-Lee Subdivision," the property of Brenco, drawn by Envirotek, Inc., dated February 25, 1983, with the condition that the cross-parking and access agreements be reviewed and approved by the City Attorney's Office prior to recording the final plat. Consent Agenda approval: Calloway/Upchurch - 8 ayes.

TC-226 - YARD REQUIREMENTS AND DENSITY STANDARDS ACCORDING TO ZONING DISTRICTS CHART - APPROVED

This was a request for approval to amend the table designated "Yard Requirements and Density Standards According to Zoning Districts" contained in Section 10-2063(a) of the Raleigh City Code, page 10-40, Supplement No. 4, (6/82).

CR-1889 from the Planning Commission recommended that the ordinance attached to CR-1889 be adopted. Consent Agenda approval: Calloway/Upchurch - 8 ayes. Ordinance 81 TC 178.

ORDINANCE NO. (1983) - 81 TC 178

AN ORDINANCE TO CLARIFY THE RESIDENTIAL DENSITY IN THE RESIDENTIAL-1 ZONING DISTRICT

WHEREAS, G.S. 160A-381 authorizes the City of Raleigh to regulate the density of population for residences; and

WHEREAS, present City regulations for the Residential-1 zoning district require a minimum lot size of 40,000 square feet and allow a density of one family per 43,560 square feet.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA:

Section 1. That the table designated "Yard Requirements and Density Standards According to Zoning Districts" contained in Section 10-2063(a) of the Raleigh City Code, page 10-40, Supplement No. 4, (6/82), is hereby amended to change the last column, families per acre, for Residential-1 from 1 to read 1.089.

Section 2. That the table designated "Yard Requirements and Density Standards According to Zoning Districts" contained in Section 10-2063(a) of the Raleigh City Code, page 10-40, Supplement No. 4, (6/82), is hereby amended to add a third note at the bottom of said table. Said note to read as follows: "Note - Fractional densities of families per acre are prohibited. For example, a product (from the multiplication of land and density) of 1.3 families per acre in a Residential-1 zoning district does not permit five persons unrelated by blood, marriage, or adoption living together in a dwelling unit.".

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 7. This ordinance shall become effective upon its adoption.

Adopted: 3/15/83

Effective: 3/15/83

NEW BERN PLACE REDEVELOPMENT PLAN AMENDMENT - PUBLIC HEARING AUTHORIZED FOR APRIL 5

The Planning Commission recommended that the New Bern Place Redevelopment Plan Amendment be approved and that strong consideration be given to implementing the alternate site plan shown on page 15. Planning Director Chapman indicated, according to the schedule adopted by the City Council from a few weeks back, the hearing can be set for the next regular meeting of the City Council to consider the Redevelopment Plan Amendment. Mr. Edwards MOVED THAT THE NEW BERN PLACE REDEVELOPMENT PLAN AMENDMENT BE SCHEDULED FOR PUBLIC HEARING ON APRIL 5, 1983. This motion was seconded by Mr. Walters and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

END OF PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-19-83 AND SC-183 - BRITTANY WOODS - APPROVED WITH CONDITIONS

This was a request for approval to develop a 232-unit townhouse project (116 attached units and 115 detached units) and one (1) single-family lot on 35.92 acres, zoned Residential-4 (.31 acre, one (1) unit), Residential-6 (27.13 acres, 151 units), and Shopping Center (8.48 acres, 80 units).

The property is located on the west side of Leesville Road, north of Pickwick Village Subdivision, outside the City Limits.

CR-1883 from the Planning Commission recommended that this request be approved according to a map entitled, "Brittany Woods," the property of Edd K. Roberts, drawn by Paton, Kays and Zucchino, PA, dated February 1, 1983, revised February 18, 1983, with the following conditions: (1) That the total project is recorded prior to initial phase of development; (2) that the building permits for the detached, single-family townhouses, totaling sixty-eight (68) units, would be approved in Phase I prior to building permits for the attached townhouses: (3) that building permits for the attached townhouses, totaling sixty-eight (68) units, would be required in Phase II prior to the issuance of additional building permits for detached, single-family townhouses; (4) that Certificates of Occupancy would not be allowed for the eleven (11) detached, single-family townhouses fronting on Lancashire Drive, west of Sandringham Drive, until building permits have been issued for all attached townhouses in Brittany Woods; (5) that a variance be granted to Section 10-3046(b) according to Section 10-3004 to allow the private dead-end street (Hamptonshire Drive) 1,258 feet in length; and (6) that the legal documents for the non-profit homeowners association be approved by the City Attorney's Office prior to recording the final plat.

Mr. Upchurch indicated that this subdivision does have a lot of conditions pointing out it involves a number of long cul-de-sacs. He explained several years ago we had a similar subdivision off Lake Boone Trail. He stated he had gone out and driven through that one and it does not seem to have that many problems. Brief discussion took place and Mr. Edwards MOVED THE PLANNING COMMISSION'S RECOMMENDATION AS OUTLINED IN CR-1883 BE UPHELD. His motion was seconded by Mr. Jordan and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

THOROUGHFARE COMMERCIAL ZONE - PUBLIC HEARING AUTHORIZED FOR APRIL 19

Chairman Graham indicated this was a request for approval to amend Part 10, Chapter 2 of the Raleigh City Code to add a new section - 10-2045.1, said section to follow Section 10-2045, Business District; and to amend related sections of the Subdivision Ordinance as specified in the proposed ordinance attached to CR-1890. He explained CR-1890 from the Planning Commission RECOMMENDS THAT THE THOROUGHFARE COMMERCIAL ORDINANCE AND RELATED SUBDIVISION ORDINANCE AMENDMENTS, AS AMENDED AND AS ATTACHED TO CR-1890, BE ADVERTISED FOR PUBLIC HEARING IN APRIL. Chairman Graham explained the proposal and the work of the Planning Commission. Planning Director Chapman explained the Thoroughfare Commercial Zone pointing out it introduces performance standards into mixed use standards. He explained this is a proposed change to our Zoning Code and work that has gone on in getting to this point. Mr. Calloway MOVED THAT THE THOROUGHFARE COMMERCIAL ORDINANCE AND RELATED SUBDIVISION ORDINANCE AMENDMENTS AS ATTACHED TO CR-1890 BE ADVERTISED FOR THE APRIL 19, 1983, PUBLIC HEARING. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED. Chairman Graham expressed appreciation to the Council for support of this venture into new ground indicating if adopted, it is felt that it will be a good planning tool.

REZONING Z-22-83 - WAKE FOREST ROAD - APPROVED - ORDINANCE ADOPTED

Chairman Graham indicated this was a request for approval to rezone approximately 23 acres from Office & Institution-III to Neighborhood Business (1.5 acres) and from Residential-6 to Industrial-I (21.5 acres). Chairman Graham presented CR-1892 from the Planning Commission which recommends THAT REZONING APPLICATION Z-22-83 BE APPROVED AS REQUESTED. Mr. Calloway moved the Planning Commission's recommendation be upheld which was seconded by Mr. Jordan and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED. Ordinance 82 ZC 117.

ORDINANCE NO. (1983) 82 ZC 117

AN ORDINANCE TO AMEND THE ZONING ORDINANCE BEING CHAPTER 10 OF THE CODE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the zoning District Map, be and the same is hereby amended as follows:

(a) Wake Forest Road, east side, between Ronald Drive and Honeysuckle Road, being Parcels 109, 127, 128, and 188, Tax Map 409, rezoned to Neighborhood Business (1.5 acres) and Industrial-I (21.5 acres). (Z-22-83)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective on the date of Adoption, March 15, 1983.

Adopted: 3/15/83

Effective: 3/15/83

COMMITTEES, COMMISSIONS AND BOARDS

FAIR HOUSING HEARING BOARD - APPOINTMENTS MADE; NOMINATIONS TAKEN FOR MAY 2 VACANCIES

The City Clerk reported the terms of Margaret Winter, Frank Roberts and Jack Andrews expire March 17, 1983. Nominations include Frank Roberts, Thomas L. Hall, James Colson and Robert Leroyd. Nominations have not been closed. There being no further nominations, Mr. Calloway MOVED THAT NOMINATIONS TO THE FAIR HOUSING HEARING BOARD VACANCIES OF MARCH 17, 1983, BE CLOSED. This motion was seconded by Mr. Keller and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

A roll call vote resulted as follows: Roberts - 8 (all Council Members); Hall - 6 (York, Edwards, Upchurch, Jordan, Walters, Keller); Colson - 6 (Calloway, Edwards, Babb, Upchurch, Walters, Keller); Leroyd - 4 (Calloway, York, Babb, Jordan). The Mayor announced the appointment of Frank Roberts, Thomas L. Hall and James Colson to a two-year term on the Fair Housing Hearing Board.

The City Clerk reported the term of H. B. Pickett expires May 2, 1983, and he is eligible for reappointment. Mr. Calloway nominated Mr. Pickett for reappointment.

YOUTH COUNCIL ADVISORY BOARD - NOMINATION MADE

The City Clerk reported one vacancy due to the resignation of Steve Rea. No nominations have been made. Mr. Upchurch nominated Lianda Taylor. No further action was taken.

APPEARANCE COMMISSION - JERRY TRAUB APPOINTED

The City Clerk reported the term of Randolph Cloud expires April 21, 1983, and he does not wish to be reappointed. Nominations include Jerry Traub and Martha Jo Ramsey. Nominations have not been closed. There being no further nominations, nominations to the Appearance Commission were closed.

A ballot vote was taken with results as follows: Traub - 6 (York, Keller, Jordan, Calloway, Edwards, Walters); Ramsey - 2 (Babb, Upchurch). The Mayor announced the appointment of Jerry Traub to a two-year term on the Appearance Commission.

HUMAN RESOURCES AND RELATIONS ADVISORY BOARD - PAUL THOMPSON REAPPOINTED

The City Clerk reported the term of Paul Thompson expires May 15, 1983, and he has been nominated for reappointment by Mr. Calloway. Nominations have not been closed. Mr. Edwards MOVED THAT NOMINATIONS TO HUMAN RESOURCES AND RELATIONS ADVISORY BOARD BE CLOSED AND MR. THOMPSON APPOINTED BY ACCLAMATION. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED AND ANNOUNCED THE REAPPOINTMENT OF PAUL THOMPSON.

ARTS COMMISSION - APPOINTMENT MADE

The City Clerk reported one vacancy due to the resignation of Claire R. Shaffner. Nominations include Barbara Riley and Denise Parks Harper. Nominations have not been closed. Mr. Edwards MOVED THAT NOMINATIONS TO THE ARTS COMMISSION BE CLOSED. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

A ballot vote resulted as follows: Riley - 2 (Upchurch, Keller); Harper - 6 (Edwards, Babb, Walters, York, Calloway, Jordan). The Mayor announced the appointment of Denise Parks Harper to a two-year term on the Arts Commission.

CIVIL SERVICE COMMISSION - APPOINTMENTS MADE

The City Clerk reported the term of At Large Representative William L. Bingham expires May 15, 1983, as does the term of Management or Industry Representative Allie M. Peebles. Both have been nominated for reappointment and nominations have not been closed. Mr. Upchurch MOVED THAT NOMINATIONS TO THE CIVIL SERVICE COMMISSION BE CLOSED. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED. Mr. Edwards MOVED THAT MS. PEEBLES AND MR. BINGHAM BE REAPPOINTED TO THE CIVIL SERVICE COMMISSION. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

DOWNTOWN ADVISORY COMMITTEE - NOMINATIONS CONFIRMED; NOMINATIONS FOR AT-LARGE REPRESENTATIVES - MADE

The City Clerk reported this committee is to consist of twenty members, sixteen of which will represent various groups. She indicated according to Council direction she had contacted these various groups and asked for their nominees. She stated Council Members received a list of the nominees attached to their committee memo and they were as follows:

Downtown Neighborhood Association - Ames Christopher

Central District Land Use Task Force - Alice Garland - Swink

Wake Apartment Association - Seth Gaskill

Moore Square Business Association - Bob Williams

Arts Commission - Miller Sigmon

NCSU School of Design - Spencer Wolf

N. C. Department of Administration - J. K. Sherron

Civic Center Advisory Board - Clarence E. Lightner

Planning Commission - Clifton L. Woodlief - The Planning Commission asked that Perry Safran be named alternate

Appearance Commission - Does not meet until 3/17/83

Transit Authority - Phil Harvell

Historic Properties/Districts Commissions - Margie Haywood

Capital Economic Development Corporation - James H. Brown, Jr.

Downtown Business Association - Mac Jones

Greater Raleigh Chamber of Commerce - Steve Kelly

Downtown Raleigh Development Corporation - Wesley Williams

Mayor York suggested that we confirm the nominations made by the various committees and take nominations for the At-Large slots. Mr. Walters MOVED THAT THE COUNCIL CONFIRM APPOINTMENT OF THE NOMINEES AS LISTED BY THE CLERK. His motion was seconded by Mr. Calloway and passed unanimously. Mayor York ruled the motion adopted and explained that the Council would take action on confirming the nominee from the Appearance Commission at the next meeting.

The Mayor opened the floor for nominations for the At-Large slots. Mr. Walters nominated Okley Herring. Ms. Babb nominated Betty Twiggs. Mr. Calloway nominated Clarence Coleman. Mayor York nominated Burnie Reaves and Bill Rustin.

The City Clerk indicated the framework for setting up this committee suggests that the City Council would appoint three At-Large representatives, at least one of whom would be a downtown business person and in addition the City Council would name a Chairperson. The Clerk requested guidance as to how this would be handled. After brief discussion, the Council agreed to appoint four At-Large members at least one of whom would be a downtown business person with the understanding that when all twenty persons are appointed, the City Council would name one of those appointees as Chairperson.

PRIVATE SECTOR HOUSING COMMITTEE - THE NEXT AGENDA

The City Clerk reported during the last Council Meeting, the City Council confirmed the framework for the Private Sector Housing Committees. Letters have been sent to various groups asking for a suggestion or nominee for this nine member group. The Clerk indicated Mayor York will make suggestions for various slots as outlined in his February 15 memo. Mayor York indicated the Downtown Development Corporation has suggested Don Carpenter as their representative. He presented a memo indicating he would recommend Jim Mims as the bank representative, Frank Gailor as the Savings & Loan representative and J. J. Sansom and Oppie Jordan as Citizens At Large with Jim Mims being the Chairperson. It was pointed out that we have not received a recommendation from the Home Builders Association, DHIC, CAC nor the Raleigh Housing Authority. Brief discussion took place with Mayor York indicating he had hoped that we could make these appointments at this meeting, however, he would suggest THAT THIS BE PLACED ON THE NEXT AGENDA WITH THE HOPES OF RATIFYING ALL OF THE SUGGESTIONS AT THAT MEETING.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

NONE

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

TEMPORARY HOUSING OF NEEDY IN CHURCHES - POSSIBLE CODE AMENDMENT - PUBLIC HEARING AUTHORIZED

Chairman Edwards reported Council Members received in their Agenda packet a proposed text change to allow temporary housing in church facilities that are located within residential zones. He indicated the Committee RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE A PUBLIC HEARING ON THIS PROPOSED TEXT CHANGE TO BE HELD AT THE APRIL 19 ZONING HEARING. On behalf of the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

INSPECTIONS FEE SCHEDULE - PROPOSED REVISION - PUBLIC HEARING AUTHORIZED

Chairman Edwards reported the Public Works Committee RECOMMENDS THAT A PUBLIC HEARING BE HELD ON APRIL 19 TO CONSIDER THE PROPOSED REVISION TO THE INSPECTIONS SERVICE FEE SCHEDULE. Council Members received a copy of the proposed schedule in their Agenda packets. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

BOYLAN AVENUE BRIDGE - TRANSFER FOR ENGINEERING SERVICES - AUTHORIZED

Chairman Edwards reported the Public Works Committee RECOMMENDS APPROVAL OF A $64,864 TRANSFER FROM COUNCIL RESERVE (CODE ACCOUNT 30-2-1000-100) TO THE BOYLAN BRIDGE ENGINEERING ACCOUNT. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 191 TF 33.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

NONE

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL COMMITTEE

NONE

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

CITY MARKET/ARCADE PROJECT - TENTATIVE AWARD TO CRANSTON DEVELOPMENT CORPORATION

Mayor York indicated the Downtown Committee RECOMMENDS TENTATIVE AWARD TO CRANSTON DEVELOPMENT CORPORATION AS THE DEVELOPER OF THE CITY MARKET/ARCADE PROJECT SUBJECT TO ADMINISTRATION BEING ABLE TO WORK OUT A SUITABLE AGREEMENT INCLUDING SCOPE OF SERVICES, DIVISION OF RESPONSIBILITIES, ETC. Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

Mr. Calloway questioned if on the Cranston Development agreement anything had been said about our Affirmative Action Program with it being pointed out that any contract the City enters into would have to comply with our Affirmative Action Ordinance.

UDAG GRANT APPLICATION - TO BE WITHDRAWN

Mayor York indicated the Downtown Committee RECOMMENDS THAT THE CITY WITHDRAW ITS UDAG APPLICATION AT THIS TIME. Mayor York indicated we are at the end of another period on the UDAG Grant deadline. He stated the City has crossed a lot of bridges and we have our UDAG application in a form that is acceptable to the Federal government. He pointed out, however, one of the elements in our application is York-Hannover's financial commitment. He indicated they do have a financial commitment but it has a contingency that they must have a major tenant which they do not have at this time. He stated it is actually a matter of our UDAG being turned down or withdrawn. He stated the Committee feels it would be better to withdraw it at this time and resubmit it at the appropriate time. Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE RALEIGH TOMORROW TASK FORCE

RALEIGH TOMMOROW TASK FORCE - ADMINISTRATION AUTHORIZED TO NEGOTIATE CONSULTING CONTRACTS; ADDITIONAL FUNDS APPROPRIATED; TASK FORCE AND STAFF AUTHORIZED TO SEEK INFORMATION FROM COUNTY

Ms. Babb indicated the Raleigh Tomorrow Task Force announced two requests for proposals in February. She stated the Task Force has received proposals from six different firms. She indicated the first RFP was asking for technical assistance relating to fiscal impact evaluation and the second was asking for help in looking at three different areas - economic impact of State government, interlocal responsibilities and sources of new revenue. She indicated the staff and the Subcommittee Chairman have met and reviewed the proposals and they are recommending that the staff be authorized to negotiate with Tischler Montasser and Associates relating to the fiscal impact evaluation proposals. She stated, in addition, the Committee is recommending that the staff be authorized to negotiate a contract with Hammer, Siler, George and Associates to look at the three areas and provide assistance as outlined. She indicated all of the proposals received were very good but the two firms they are recommending have done so much work in this field that they can come in and start to work immediately. Ms. Babb indicated the Raleigh Tomorrow Task Force is recommending that the Council authorize the Task Force and the staff to go ahead with negotiations to try to tie these contracts down firmly and, in addition, the Task Force is asking for an additional appropriation of up to $10,000 for the work of the Task Force. Ms. Babb stated, in addition, the Task Force is asking for the Council's concurrence in the Task Force's wish to have the City staff begin work on a process of looking at what the County is doing in terms of their reevaluation effort. She indicated the Task Force just wants to make sure that we know what the County is buying, what information is available and what could be of use to the City. Mayor York suggested that the Council take the three items one by one.

Ms. Babb MOVED THAT ADMINISTRATION AND THE RALEIGH TOMORROW TASK FORCE BE AUTHORIZED TO NEGOTIATE A CONTRACT WITH TISCHLER MONTASSER AND ASSOCIATES AND HAMMER, SILER, GEORGE AND ASSOCIATES FOR THE CONSULTANT SERVICES AS OUTLINED. Her motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

Ms. Babb moved THAT THE CITY COUNCIL APPROPRIATE UP TO $10,000 FROM CITY COUNCIL CONTINGENCY TO AID IN THE WORK OF THE RALEIGH TOMORROW TASK FORCE. She explained this would be in addition to the $25,000 already appropriated. On behalf of the Task Force, she moved approval of the recommendation. Her motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 79 TF 15.

Ms. Babb MOVED THAT THE RALEIGH TOMORROW TASK FORCE AND STAFF BE AUTHORIZED TO CONTACT THE COUNTY TO DETERMINE THE DETAILS OF THE REEVALUATION EFFORT, LEARN MORE ABOUT WHAT THE COUNTY IS BUYING AND FIND OUT IF ANY OF THIS INFORMATION WOULD BE USEFUL TO THE TASK FORCE. On behalf of the Committee she moved that the recommendation be upheld. Her motion was seconded by Mr. Calloway. Lengthy discussion followed on the fact that the County has already purchased the reevaluation services and there is no opportunity to get additional information, the fact that the information is available, the need for the County Manager to give the City a report on the program, process, progress and information they are gathering, the fact that every County requests different information in their reevaluation effort, etc. Planning Director Chapman indicated the main desire is to initiate contact with the County to find out what information is available as it is felt that a lot of the information needed by the Raleigh Tomorrow Task Force is readily available and the Task Force just wanted the Council's blessing in going and requesting that information. Mayor York again stated he felt it would be good for all Council Members to have information on the reevaluation program, status, etc. The motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

ART - ACCEPTANCE OF OFFERS - RESOLUTION ADOPTED

City Manager Zachary indicated the Council was recently offered an art object and the offer was accepted. He indicated Council Members had received in their Agenda packet a proposal for Council to adopt a policy to follow when accepting offers of gifts of art. Brief discussion took place with Mr. Edwards indicating he felt that the proposed policy would give Council and the Arts Commission a lot of latitude. He stated, however, he feels that Section 1, in the last sentence, the words "to accept or decline the offer.", should be deleted. The last sentence of Section 1 would read as follows: "The Arts Commission will make a recommendation to the City Council." Mr. Edwards MOVED THE POLICY, AS AMENDED, BE ADOPTED. This motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED. Resolution 195.

RESOLUTION NO. (1983) 195

A RESOLUTION AUTHORIZING THE CITY COUNCIL TO ACCEPT ON BEHALF OF THE CITY GIFTS OF WORKS OF ART IN ACCORDANCE WITH SPECIFIED PROCEDURES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. In accordance with the following procedures, only the City Council is authorized for and on behalf of the City of Raleigh to accept gifts of works of art for display in or on property owned or occupied by the City:

(1) Before accepting a gift of work of art pursuant to the authority of this resolution, the Arts Director shall consult with the head of the City departments responsible for the premises where such work of art will be displayed and shall also obtain from the Raleigh Arts Commission, or a duly designated committee thereof, its recommendation as to whether such gift of work of art should be accepted. The Arts Commission will make a recommendation to the City Council.

(2) No gift shall be accepted pursuant to the authority of this resolution which will require substantial expenditures for protection from theft or damage, maintenance or operation.

(3) Any gift accepted pursuant to the provisions of this resolution must be offered to the City unconditionally; except that the donor may impose any or all of the following conditions:

(A) Specify the location where the work of art shall be displayed and/or specify reasonable conditions for the display of such work of art;

(B) Specify reasonable conditions as to the care and protection of the work of art, provided such conditions do not require the expenditure of substantial funds in order to comply therewith; and

(C) Specify that a sign or placard be placed near the work of art identifying the donor and/or the person or persons or event which such work of art commemorates or in whose memory or memories such work was donated.

The City Council shall manifest its acceptance of any such gift of work of art on behalf of the City by issuing a certificate of acceptance to the donor by filing a copy of any such certificate with the City Clerk and Treasurer.

Adopted: 3/15/83

WALNUT CREEK GREENWAY - PROPOSED RETENTION OF PROFESSIONAL SERVICES - ADMINISTRATION AUTHORIZED TO SOLICIT PROPOSALS

The Greenway Staff and the Greenway Commission have been wrestling with the problem of developing a Greenway Trail in the lower Walnut Creek Basin. A trail is needed to connect Stratford Open Space Park, near Belmont Street, and Dacian Valley Mini-Park to Worthdale Community Center and Park. This greenway corridor is located completely within the Walnut Creek floodway. This area is very wet, and probably could not be developed as a standard greenway trail.

The City of Raleigh Greenway Staff feels that this situation calls for professional technical assistance to analyze the hydrological problems specific to this area, and to recommend alternative development concepts based on this information. We would like to use this opportunity to include all the design services required in this project as part of the same contract. A full range of design services would be contracted for, including: site analysis, alternative development concepts, preliminary plans, final plans, construction drawings, and construction supervision. We would also like to let a separate contract for the construction of this project.

A draft of the proposed RFP, which would be sent out to all the landscape architectural firms practicing in this area will be included in Council Members' Agenda packets. Funds for this study are available in the Capital Improvements Project under account numbers 37-2-8980-210 and 37-2-8980-211. Also, a map showing the limits of the proposed project will be available at the Council Meeting.

ADMINISTRATION SEEKS AUTHORIZATION TO SOLICIT PROFESSIONAL SERVICES CONCERNING THE LOWER WALNUT CREEK GREENWAY IN ACCORDANCE WITH STANDARD PROCEDURE 100-5. Mr. Walters MOVED ADMINISTRATION'S RECOMMENDATION BE UPHELD. His motion was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

LAND USE DATA FILE - TRANSFER AUTHORIZED; ADMINISTRATION TO GIVE STATUS OF LAND USE DATA PROGRAM

City Manager Zachary indicated this is a request for transfer of funds in the amount of $2,929.38 to cover computer costs which have been incurred by the Planning Staff in preparing to transfer the land use data file from the Triangle University Computing Center to the City's internal computer system. Planning Director Chapman explained that we are transferring the data from TUCC to the City's computer explaining in the course of this land use data file on TUCC that we were not being charged the regular price pointing out the level of service that Triangle J is providing us is in excess of the normal level of service that is covered by our membership fee, etc. He explained the total additional cost is the $2,929.38. Mr. Calloway MOVED APPROVAL OF THE TRANSFER OF FUNDS AS OUTLINED. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 191 TF 33.

Ms. Babb indicated she would like for the Council to be provided a status report on the details of the data base land use data file and where we are in this project. Administration was asked to furnish this information.

METHODIST HOME PROPERTY - PROFESSIONAL SERVICES FOR MASTER PLAN - REFERRED TO LAW AND FINANCE COMMITTEE

City Manager Zachary indicated the request for proposals for professional services for the Master Plan for Methodist Home Park was sent to 128 companies. The City has received 20 proposals. The Parks and Recreation Director is prepared to make a recommendation, however, according to Council Standard Procedure, IT IS RECOMMENDED THAT THIS ITEM BE REFERRED TO A PROPER COUNCIL COMMITTEE FOR STUDY AND RECOMMENDATION. Mr. Keller MOVED THAT THE PROFESSIONAL SERVICES PROPOSALS FOR THE MASTER PLAN FOR METHODIST HOME PROPERTY BE REFERRED TO LAW AND FINANCE COMMITTEE. This motion was seconded by Mr. Upchurch. Brief discussion took place as to why this is being referred to Committee and the Green Road Park was not with City Manager Zachary indicating we had reviewed the Standard Procedure and the Standard Procedure calls for the selection to be referred to Committee. In response to questioning, City Manager Zachary indicated Administration's first recommendation would be a joint venture of Stanley N. Williams, McClure and McClure, with David C. Fischetti. The second recommendation would be Little and Little and Michael Hager with the third recommendation being McNeely Associates. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

The City Manager was asked to give all Council Members a copy of Staff's recommendation which lists all of the companies that presented proposals.

THOROUGHFARE PLAN - BOYLAN AVENUE EXTENSION REMOVAL - PUBLIC HEARING AUTHORIZED

Mr. Edwards indicated Boylan Avenue Extension bisects the City Park property. He indicated the question of whether Boylan Avenue should be constructed or removed from the Thoroughfare Plan needs to be addressed and he feels it is time to make that decision now. He pointed out the plan of the park cannot be successfully carried out until we know whether or not the road will be built. He stated he did not know the proper procedure but he would like to begin that procedure so we can decide once and for all the future of Boylan Avenue Extension. Mr. Edwards MOVED THAT WE HAVE A PUBLIC HEARING ON THE QUESTION OF REMOVING BOYLAN AVENUE EXTENSION FROM THE THOROUGHFARE PLAN OR BEGIN WHATEVER PROCEDURE WOULD BE NECESSARY FOR THIS CONSIDERATION. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ADDENDUM

BID REQUEST 82-50 - HYDRAULIC EXCAVATOR - BID AWARDED TO R. W. MOORE EQUIPMENT COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on March 10, 1983, for a hydraulic excavator less trade with results as follows:

R. W. Moore Equipment Company - $66,348.91; North Carolina Equipment Company - $69,860; E. F. Craven Company - $70,544; Interstate Equipment Company - $83,500; Mitchell Distributing Company - $83,600; Gregory Poole Equipment Company - $88,272.91; Spartan Equipment Company - $89,775; Case Power and Equipment Company - did not meet specifications. Administration RECOMMENDS THAT THE LOW BID SUBMITTED BY R. W. MOORE EQUIPMENT COMPANY BE ACCEPTED. Mr. Upchurch moved Administration's recommendation be upheld, seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

COMMUNITY DEVELOPMENT - TRANSFER - AUTHORIZED

The Addendum presented a transfer in the Community Development Department in the amount of $1,610.08. It was pointed out Shaw's grant was denied and the Women's Center grant was not fully extended and these funds are to be used for Arts Commission programs. Mr. Calloway MOVED THE TRANSFER IN THE COMMUNITY DEVELOPMENT AS OUTLINED BE AUTHORIZED. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 191 TF 33.

CIVIC CENTER - RENT FREE USE - INFORMATION RECEIVED

The Addendum indicated approval has been granted for the rent free use of the Northwest Exhibition area of the Civic Center on June 23, 1983, from 7:30 a.m. to 10:00 p.m. for the Red Cross Blood Drive. The item was received as information.

CETA OJT CONTRACTS - CITY MANAGER APPROVAL - INFORMATION RECEIVED

As a matter of information and according to procedure, the Agenda listed the following OJT contracts that were approved by the City Manager on March 11, 1983:

a. A contract with Holiday Inn which provides training for four persons for the period March 28 through August 1, 1983, at a total cost of $4,939.20 to CETA.

b. A contract with K & W Cafeteria which provides training for three persons between March 16, 1983, and August 31, 1983, at a total cost of $4,824 to CETA.

c. A contract with Orkin Exterminating Company which provides training for two persons between March 31 and April 30, 1983, at a total cost of $836 to CETA.

The items were received as information without comment.

SANITARY SEWER INTERMUNICIPAL AGREEMENT - TOWN OF CARY - APPROVED

On February 15, 1983, the City Council gave tentative approval to a sanitary sewer intermunicipal agreement with the Town of Cary. Subsequent to that date, Cary Officials have reviewed the agreement and have suggested a revision to one section, 4.e., which addresses the adoption of a sewer use ordinance or industrial pretreatment program. Council Members received a copy of the proposed revision submitted by Cary and a copy of the same section as previously approved by Raleigh in their Addendum packet. The basic change is the flexibility that the Town of Cary would have to modify the sewer use ordinance in geographic areas which are served by their

Treatment Plant rather than the Raleigh Wastewater Treatment Plant. Administration SUGGESTS THAT THE CITY COUNCIL CONSIDER THE REVISION AND APPROVE THE CHANGE TO THE SANITARY SEWER INTERMUNICIPAL AGREEMENT WITH THE TOWN OF CARY. Brief discussion took place with it being pointed out this is a minor change. Mr. Edwards moved Administration's recommendation be upheld which was seconded by Mr. Walters and passed unanimously. THE MAYOR MOVED THE MOTION ADOPTED.

NORTH CAROLINA HOUSING FINANCE AGENCY - PREVIOUSLY APPROVED PROJECTS - INFORMATION RECEIVED

City Manager Zachary presented Council Members with a memo on the North Carolina Housing Finance Agency projects that have been previously considered and approved by the City Council. He indicated all of the projects on which the City Council has adopted a resolution meets zoning and density requirements. A map was available at the meeting showing the location of these projects. The item was received as information.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

PERSONNEL - MARTHA WILSON RETIREMENT - REFERRED TO LAW AND FINANCE COMMITTEE

City Attorney McCormick indicated he had sent Council Members a memo relative to a retirement case previously discussed by the City Council. He indicated a resolution was sent to the Local Government Employees Retirement System and they indicate that the employer would have to make a contribution in order to honor the request. Mayor York indicated it was his recollection that the Council was not anticipating making any contribution. City Manager Zachary indicated the potential liability of this action is unknown. Brief discussion took place and by general consensus THE ITEM RELATING TO THE RETIREMENT OF MARTHA WILSON WAS REFERRED TO THE LAW AND FINANCE COMMITTEE.

REPORT OF MAYOR AND COUNCIL MEMBERS

COUNCIL WORK SESSION - FORMAT AND DATE ESTABLISHED

Mayor York indicated at the last Council Meeting he suggested the possibility of an all day Work Session in a format similar to ones the Council has held in the past. He presented a memo prepared by the City Manager making suggestions that the meeting be held at Camp Durant on April 21 immediately following the Work Session for that date or on Thursday, April 28. Mayor York indicated the subjects listed in the Manager's memo are good and he feels that the City Councilperson should make a report and that the City Manager would assign one Staffperson to work with each Council Member in preparing their presentation. He indicated he would work with the Manager to divide up the time slots and at the end of the day we would have a session in which each Council Member could express their hopes, concerns and opportunities for the future of the City. He indicated the items listed for discussion and the Councilperson involved would be as follows:

Cable TV Franchise - Organization and Staffing - Jordan

Housing - The City's Position and Programs - Calloway

Transportation - Planning and Projects - Upchurch

Raleigh Tomorrow - Babb

Municipal Infrastructure - Edwards

Recreation Bond Issue Projects - Keller

Revenue Sources for the City in the Future - Walters

Downtown Redevelopment - York

Mayor York indicated he would suggest that we have the regular Work Session for the first hour and hold the Work Session on April 21 and follow the concept or format as he had outlined. Mr. Upchurch MOVED APPROVAL OF THE CONCEPT OF THE WORK SESSION AS OUTLINED BY THE MAYOR TO BE HELD ON APRIL 21. His motion was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Mayor York requested the City Manager to assign a Staffperson to work with each Councilperson but pointed out that the Councilperson will make the presentation.

LOAN POOL - REQUEST FOR STATUS REPORT - REFERRED TO DOWNTOWN COMMITTEE

Mayor York indicated he would REFER TO THE DOWNTOWN COMMITTEE A REVIEW AND STATUS REPORT ON THE LOAN POOL PROGRAM. He stated he would like to have a report from the Loan Pool Committee pointing out we have it in place and we want to use it and he just feels that the Committee should be given an update. Without objection, the item was so referred.

STEER - CORNER OF REMBERT AND U. S. 70 WEST - ADMINISTRATION TO CHECK

Mr. Edwards indicated he had received a number of calls about a large steer on wheels located at the northwest corner of Rembert and U. S. 70 West. He indicated it is almost in the road and he would like ADMINISTRATION TO CHECK TO SEE IF THIS "STEER" IS IN COMPLIANCE WITH THE SIGN ORDINANCE, WHETHER IT CREATES A TRAFFIC PROBLEM, AND IF THE STEER IS LOCATED ON THE CITY RIGHT-OF-WAY. Without objection, the item was referred to Administration.

TRASH - FIVE POINTS AREAS - REFERRED TO ADMINISTRATION

Mr. Edwards indicated he had received several calls about the trash problems and appearance in the Five Points area down Jarvis Street and near the beer and pool business. He indicated he understood the cars park against the curb most all of the time creating problems for trash and garbage pickup. He asked Administration to look into the problems and also to check to see if the entertainment ordinance is being upheld in this location. Without discussion, THE TRASH AND APPEARANCE PROBLEM IN THE FIVE POINTS AREA WAS REFERRED TO ADMINISTRATION.

WAKE FOREST ROAD - POSSIBILITY OF ADDITIONAL LANE - REFERRED TO ADMINISTRATION WITH STATE DOT

Mr. Walters indicated in the northbound lane of Wake Forest Road between Georgetown and Whitaker Mill Road, there is a traffic problem. He asked about the possibility of ADMINISTRATION CONTACTING THE STATE DOT TO SEE IF SOME IMPROVEMENTS COULD BE MADE TO PROVIDE A SUFFICIENT LANE FOR DECELERATION AND RIGHT TURNS ONTO WHITAKER MILL ROAD. He indicated the problem is created between the railroad trestle and Whitaker Mill Road. Without objection, the item was referred to Administration.

TRAFFIC - PERSON, BLOUNT, PEACE - REFERRED TO ADMINISTRATION

Mr. Walters indicated there were some recent changes in channelization at Person, North Blount and Peace Street and the changes were so that all three lanes go straight. He indicated there are no overhead lights or signs indicating turning and people in the middle lane turn in front of the traffic. He asked ADMINISTRATION TO LOOK AT THE CHANNELIZATION PROBLEMS AND LACK OF SIGNAGE IN THIS AREA.

SWIMMING POOL - EAST RALEIGH SITE - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

Mr. Walters indicated last year the swimming pool for East Raleigh was deferred to give the citizens in the area a chance for an input. He indicated the East Raleigh CAC and the Enloe Advisory Council has voted and are recommending that the East Raleigh swimming pool be placed at Longview Elementary School. He indicated this is publicly owned land just across from Enloe and they feel that the parking lot at Enloe would be big enough so that an additional parking lot would not have to be built at the swimming pool. He indicated, in addition, it is felt that most traffic will be foot traffic. He explained that they had also voted that if the pool couldn't be placed at Longview, that Lions Park should be the second choice. He suggested that the City Council designate the Longview Gardens Elementary School as the site for the East Raleigh pool and to begin this preliminary site work, etc. Brief discussion took place with Mr. Calloway questioning how the School Boards action on the school closings would affect this. After brief discussion, by general consensus THE EAST RALEIGH SWIMMING POOL LOCATION AND RECOMMENDATION WAS REFERRED TO INTERGOVERNMENTAL COMMITTEE.

HEARING IMPAIRED - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mr. Jordan indicated the Law and Finance Committee and the City Council has done some work on helping the hearing impaired. He indicated there have been some questions as to how we could help the hearing impaired participate in Council and Committee meetings and REQUESTED THAT THE HEARING IMPAIRED PROGRAM BE REFERRED TO LAW AND FINANCE COMMITTEE. Without objection, the item was so referred.

PARKING - TIME LIMITS - HILLSBOROUGH STREET - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Jordan indicated there are some problems on Hillsborough Street relating to parking time limits, particularly during the early morning. He indicated he knew what we had been trying to do and he does not know if anything could help but he would like to look at it. He indicated the problem seems to occur primarily in the morning with people trying to eat in the restaurants. He stated he would like an opportunity to look at this and requested THAT THE PARKING TIME LIMITS ALONG HILLSBOROUGH STREET BE REFERRED TO LAW AND FINANCE COMMITTEE. Without objection, the item was so referred.

REPORT OF CITY CLERK AND TREASURER

WATER ASSESSMENT ROLL 993 - PRELIMINARY RESOLUTION ADOPTED

The City Clerk presented Preliminary Water Assessment Roll 993 and recommended ADOPTION OF THE PRELIMINARY ASSESSMENT ROLL WHICH WOULD SET A PUBLIC HEARING TO CONSIDER CONFIRMATION OF COST AT THE APRIL 19, 1983, COUNCIL MEETING the cost of the installation of a water main in Boone Trail. Mr. Upchurch MOVED ADOPTION OF THE RESOLUTION AS PRESENTED. This motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. Resolution 193.

RESOLUTION NO. (1983) 193

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 993

WHEREAS, by Resolution No. 1982-993 adopted by the City Council on August 3, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of approximately 550 feet of 6-inch water main in Boone Trail between Shelden Street and Rush Street.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $5,508.95.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Lunelle Yeargan	1	0080221	21A-21B	127.5	$1,175.55
Clyde T. Tunstall & Jean	2	0071511	10B	150.0	1,383.00
Lemuel C. Hodge	3	0031841	23A	120.0	1,106.40
Poole Bros. Building & Trading Co.	4	0056129	9C	100.0	922.00
Jack T. Yeargan	5	0080199	9B	100.0	922.00

Cost per foot: $9.22

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 933 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 19th day of April, 1983, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 3/15/83

MINUTES - MARCH 1, 1983 - APPROVED

The City Clerk indicated Council Members received copies of the March 1, 1983, minutes. Mr. Calloway MOVED THAT THE MINUTES OF MARCH 1 BE APPROVED AS PRESENTED. This motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ADJOURNMENT

There being no further business, MAYOR YORK ANNOUNCED THE MEETING ADJOURNED AT 2:55 P.M. TO BE RECONVENED AT 7:00 P.M.

Gail G. Smith
City Clerk and Treasurer

emw/1/MINA

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, March 15, 1983, at 7:00 p.m. in the City Council Chambers with the following present:

Mayor York, Presiding
Ms. Babb (Arrived late/excused early)
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Upchurch
Mr. Walters

Mayor York called the meeting to order and welcomed Barbara McClusky's third grade class from Brentwood School. Mayor York read a letter that had been sent to him about their visit pointing out they are studying a visit to the Mayor in their reading class.

Mayor York indicated, without objection, he would like to deviate from the Agenda and take up item 3. a., under Matters Scheduled for Public Hearing. Without objection, this was agreed to.

UNFIT BUILDING - 234 PECAN ROAD - DEFERRED UNTIL NEXT MEETING

This was a hearing to consider adoption of an ordinance finding the dwelling at 234 Pecan Road unfit and directing that it be placarded to prohibit its use or occupancy. The property is in the name of the Willie Dale Hicks, Heirs. Housing Inspections Superintendent Bartholomew indicated this family was scheduled to appear before the Council tonight to request an extension of time. He indicated, however, they had a death in the immediate family and had asked that this matter be deferred until the next meeting or referred to a committee. Mr. Edwards MOVED THAT CONSIDERATION TO THE DECLARE 234 PECAN ROAD UNFIT BE RESCHEDULED FOR APRIL 5, 1983. This motion was seconded by Mr. Upchurch and passed unanimously.

SPECIAL ITEMS

EXECUTIVE SESSION - ANNOUNCED

Mr. Calloway indicated at the end of tonight's meeting he would like for the Council to go into a short executive session to discuss a pending lawsuit. Mayor York indicated that would be fine and it would come at the end of the regular Agenda.

WORK SESSION - MARCH 17, 1983 - MAYOR YORK EXCUSED

Mayor York indicated a Work Session is scheduled for Thursday, March 17, at which time the Council plans to go on a tour of the Public Utilities facilities. He stated, however, the General Assembly is scheduling a public hearing on the annexation law at 11:00 a.m. that day and he has been requested by the League of Municipalities to speak at that hearing. Mayor York stated HE WOULD LIKE TO BE EXCUSED FROM THE WORK SESSION ON THURSDAY IN ORDER TO ALLOW HIM TO ATTEND THE PUBLIC HEARING ON BEHALF OF THE CITY. Without objection, it was agreed to excuse Mayor York from the March 17 Work Session.

REQUESTS AND PETITIONS OF CITIZENS

SPCA - MODIFICATION IN CONTRACT - APPROVED

Peter Powell, representing the SPCA, was at the meeting to request an amendment in the contract between the City of Raleigh and the SPCA as it relates to the method of euthanasia. Mr. Powell indicated by trade he is a lawyer and he is currently serving as president of the SPCA. He indicated Council Members had received a memo dated March 10, 1983, from him relating to this request. He stated specifically they are requesting that the contract be amended to allow for the use of the drug T-61 rather than sodium pentobarbital in their euthanasia activities. He indicated sodium pentobarbital is a controlled substance and according to Federal drug regulations, they are now finding it impossible for them to comply with the law without a veterinarian on site at all times. Therefore, they wish to modify the contract for the sole purpose of substituting a similar but noncontrolled injectible substance - T-61. He indicated the American Veterinarian Association has done studies and indicate that T-61 appears to be a suitable substitute. He explained T-61 is a combination of three drugs that create the anesthetic effect. He stated there are no real disadvantages to T-61 although if one ODs on it, it could cause tissue lesions.

MS. BABB ARRIVED AT THE MEETING AT 7:10 P.M.

City Manager Zachary indicated the Police Department has discussed the proposed change with the County Health Director's staff and the County Health Director's staff advised that other agencies are now using the agent T-61 as a substitute for sodium pentobarbital. They also advise that this method is approved by the American Veterinarian Association and they would not oppose the use of the same. City Manager Zachary indicated, in view of this information and due to the fact that the City's knowledge in this field is limited, Administration would see no reason to oppose the change.

Mr. Walters stated he would have no reason to oppose the change except that there are other methods of euthanasia that SPCA doesn't use but others in the area do. He indicated since we are talking about the possibility of a joint effort in the Intergovernmental Committee, maybe we would refer this item to that Committee for study. Mr. Edwards questioned if this matter were referred to the Intergovernmental Committee, what effect it would have on the present procedures at SPCA. Mr. Powell indicated he knew that several years ago a facility utilized by the City was using the method of euthanasia that has been adopted by the County and after numerous public hearings, the City went to the SPCA as they did not want to utilize that method of euthanasia. He stated if this matter is referred to a Committee and is discussed, that the SPCA would probably be forced to use T-61. He stated it is basically, at this point, a question of whether to honor the contract or to break the law and they feel that they had rather not honor the contract. Mr. Edwards indicated he felt that was the case as the Federal drug laws have changed. He indicated maybe we could amend the contract as requested and refer the other question to Committee. Mr. Jordan MOVED THAT THE CONTRACT BETWEEN THE SPCA AND THE CITY OF RALEIGH BE AMENDED AS PROPOSED BY THE SPCA. His motion was seconded by Mr. Upchurch. Mr. Walters indicated this would bother him as it would tend to insinuate that the only method of euthanasia that the City would support is this method. He stated we did have problems with the other facility but they did not necessarily relate to the method of euthanasia. He stated he knew it was a fact that the preferred method of euthanasia by most jurisdictions is carbon monoxide and he finds absolutely nothing wrong with that method and understands that the Veterinarian Association and others also feel that euthanasia by carbon monoxide is a quite acceptable method. This was discussed at length with Mr. Upchurch pointing out the question before the Intergovernmental Committee is where the animals are carried and not the method of euthanasia. Mr. Jordan pointed out if the discussion of a joint venture is being undertaken and the City has thoughts of merging with the County and we would have to operate under their rules and utilize their method of euthanasia, he wanted to go on record as being against that at this point as he does not feel that that is the best way. After other discussion, the motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

FUN RUN AREA - USE OF CITY STREETS AUTHORIZED

Cathy McGillis, representing the Raleigh Rape Crisis Center, was at the meeting to seek permission to conduct a road race along City streets in the Brentwood area on June 4, 1983, at 6:00 p.m. She indicated this is a benefit run and they have been working with the North Carolina Road Runners Association in planning the route. She stated they plan to have a one mile Fun Run and a five K Run. She stated they have worked with Captain Price of the Raleigh Police Department and understand that they would need three officers and an escort car. City Manager Zachary indicated the race is planned for 6:00 p.m. and will include Ingram Drive from Brentwood School to Huntleigh Drive, New Hope Road to Millbrook Road and the Police have no problem with the route or the race being conducted along the route. He indicated the Police Department feels that they can provide the necessary Police protection from the on-duty platoon without the necessity for the Center having to employ off-duty officers. Sponsors of the event should be required to provide, install, and remove any signs, cones, or barricades needed. Brief discussion took place with Mr. Upchurch moving APPROVAL OF THE UTILIZATION OF CITY STREETS FOR THE FUN RUN AND WAIVER OF THE $50 FILING FEE. His motion was seconded by Mr. Edwards. Mayor York questioned if they will have to pay the Police officers with Mr. Upchurch indicating his motion was to approve it with the conditions outlined by the City Manager. The motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

STREET CLOSING - McDONALD LANE - APPROVED AS REQUESTED

Representatives of White Memorial Presbyterian Church had requested permission to close McDonald Lane on May 26, 1983, between 4:30 p.m. and 7:30 p.m. for a church picnic and also requests waiver of the $50 filing fee. The City Clerk indicated the representative could not be at the meeting and if there were questions, she would ask that the item be referred to Committee. Mayor York questioned if the location of McDonald Lane is that portion that the Church owns all the adjoining property with the Clerk indicating that is her understanding. City Manager Zachary indicated the Police Department has talked with representatives of the Church and this request is in connection with an annual church function which has involved the street closing for several years. The Church is familiar with the City's expectation and street closing and they have handled the closing in past years without difficulty. The Church owns all property on both sides of McDonald Lane, therefore, there would be no inconvenience to the neighborhood during the closing. The Police Department has no objections and the Beat Officer will be advised to render any assistance needed during the closing although the City anticipates no problems. Mr. Upchurch MOVED THAT THE REQUEST TO CLOSE McDONALD LANE ON MAY 26 BE HONORED AS REQUESTED AND WAIVER THE $50 FILING FEE. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE

MATTERS SCHEDULED FOR PUBLIC HEARING

PU 1982-8 - BROOKSIDE DRIVE - HEARING TO CONSIDER CONFIRMATION OF CHARGES - RESOLUTION ADOPTED

This was a hearing to consider confirmation of charges for the installation of a sewer main adjacent to Brookside Drive according to charges outlined in Resolution 1983-168 adopted on February 15, 1983. Chief Engineer Thomas explained the location of the improvements. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Upchurch MOVED ADOPTION OF A RESOLUTION CONFIRMING CHARGES AS OUTLINED. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 194.

PU 1982-10 - BROOKHAVEN/DEBYLN PARK - HEARING TO CONSIDER CONFIRMATION - RESOLUTION ADOPTED; EASEMENT ACQUISITION QUESTIONS - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider confirmation of charges for the installation of a sewer main in the Brookhaven/Debyln Park area according to charges outlined in Resolution 1983-167 adopted on February 15, 1983. Chief Engineer Thomas explained the location and the project. The Mayor opened the hearing to the public.

Kurt Ward, 4711 Brookhaven Drive, indicated when the property owners were originally contacted by the City relative to easement acquisition that the assessment charge was still up in the air as to whether it would be a per foot or per lot basis. He explained the property owners got the indication that if they would be easy with the City and donate the easement, then the City would be easy with them on the assessment. He indicated since that time they have heard that the assessment is the same on all lots whether the person donated the easement or were paid for the easement. He questioned if there is still a chance to renegotiate the easement with the City pointing out they have found some of the property owners were paid substantial sums by the City for the easements. He indicated it just did not seem fair that he cooperated with the City and gave his property and his neighbors charged the City but they all have to pay the same. Mayor York explained that all easement costs are added to the cost of the project and then spread out and assessed against the property owners. City Attorney McCormick indicated he had never heard of renegotiating an easement after the project is done. Discussion took place with it being pointed out the property owner is raising a good question. The property owner indicated when they were approached about the easement, there was a lot of discussion about how it would be assessed. He feels that property owners who gave easements should not have to pay the same as those who were paid for the easements. Discussion took place with the property owner indicating he had no problem with the way the sewer line was installed. Mr. Edwards indicated he feels that we should give this gentlemen an opportunity to discuss his questions with a committee, therefore, HE WOULD MOVE ADOPTION OF A RESOLUTION CONFIRMING CHARGES FOR PU 1982-10 AS ADVERTISED AND REFER THE EASEMENT ACQUISITION QUESTION TO PUBLIC WORKS COMMITTEE FOR DISCUSSION. Mayor York asked that the motion be held as the hearing had not been closed.

Steve Stroud, 5604 Winthrop Drive, indicated he felt that the sewer charges on the per lot basis should not exceed what he would have to pay for tap-on and acreage fees. He indicated the per lot charge in the Brookhaven area is more than the acreage fee and the assessment. He indicated he just did not understand. Mayor York explained there are three different fees involved - the assessment, tap-on and acreage fees. Mr. Stroud pointed out, however, if a person buys a lot where utilities are already available, they do not have to pay these fees. He stated that it just seems that the total dollars were not correct. The assessment procedure and the fact that somebody, either the developer, homeowner or the subdivider, has to pay the assessment, tap-on and acreage fees was explained. Mr. Edwards indicated when this project was initiated, it was felt that the per lot basis was fairer than the front footage basis because of the difference in the frontage size and lot size in the Brookhaven area. No one else asked to be heard, thus the hearing was closed. Mr. Edwards restated his motion which was seconded by Mr. Jordan and put to a roll call vote resulting in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. Resolution 194.

RESOLUTION NO. 1983-194

A RESOLUTION CONFIRMING SPECIAL SEWER ASSESSMENT ROLLS 991 AND 992

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 15th day of March, 1983, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution Nos. 1983-167 and 168 adopted on the 15th day of February, 1983, which assessments appear on "The City of Raleigh Special Sewer Assessment Roll Nos. 991 and 992," against the lots and parcels of land abutting directly on the improvements, according to the

extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 3/15/83

UMTA - PUBLIC HEARING TO RECEIVE COMMENTS RELATIVE TO OFF-STREET TRANSFER FACILITY APPLICATION - HEARING HELD - ADMINISTRATION AUTHORIZED TO SUBMIT APPLICATION AND MAYOR AUTHORIZED TO SIGN; COMMENTS ON COMPREHENSIVE TRANSPORTATION PLANNING - REFERRED TO LAW AND FINANCE COMMITTEE

Department of Transportation Director Blackburn indicated this is a hearing for the purpose of receiving citizens' input on the consideration of a project for which financial assistance is being sought from the Urban Mass Transportation Administration, pursuant to the Urban Mass Transportation Act of 1964 as amended and from the North Carolina Department of Transportation. He indicated the project consists of the purchase of land and construction of an off-street transit transfer facility located in the block between Wilmington and Blount Streets and Martin and Hargett Streets. The estimated total cost of the project is $1,160,000 with the Federal share being $840,000, the State's share being $105,000 and the City's share being $215,000. The source of the City's share would be from revenue sharing funds. The proposed project is in conformance with the comprehensive land use and transportation planning for the Community and is consistent with the transit development program for Raleigh. The project will be designed to be assessable to the handicapped and elderly. Mr. Blackburn indicated after the hearing, if the Council so desires, it would be appropriate to approve the grant application and authorize the Mayor to sign the appropriate grant applications and any subsequent grant contracts.

Utilizing a map available at the meeting and prepared by Zuchelli, Hunter and Associates, Mr. Blackburn detailed the project which would have a right-of-way and a dual roadway pass through the block from south to north with the buses entering on the south side and stopping at various places to load and unload passengers. He indicated the facility will be landscaped and amenities would be constructed to include a shelter facility, shelter for the Transfer Supervisor, etc. He indicated the shelter and the roadway would be arranged so that we would have 12 positions for the buses to stop and load and unload. He indicated there would be a turn-out onto Blount Street to facilitate traffic going to the south and the east sections of the City. He indicated the facility would include a pedestrian-way linking the Moore Square area through to the Wilmington Street area to make the transfer facility more assessable to all. He indicated the arrangement would provide for additional needed capacity. In response to questioning, Mr. Blackburn indicated Hamlin Drug would not be disturbed by this arrangement. Councilman Jordan questioned if there would be restroom facilities with Mr. Blackburn pointing out they are not planned at this point. In response to questioning, Mr. Blackburn indicated the main concern and the reason for the lack of toilet facilities is one of security and additional cost for providing security. He indicated no passengers should be at the transfer point more than twenty minutes during rush hour. He stated toilet facilities could be provided but the City would also have to provide security if there are toilet facilities. Mr. Calloway questioned if security is the main opposition to the restrooms with Mr. Blackburn indicating the need for security and associated cost of facility is the main concern. Mayor York opened the hearing to the public.

Thomas Briggs, owner of Tucker Furniture Company, indicated with this arrangement they would be denied access to the back of their building. He questioned if there would be any chance of access to the back of the building if this facility is constructed. Mr. Blackburn indicated there might be some difficulty in trying to provide access to the back of the Tucker Furniture building with this arrangement, however, that the drawing presented is a schematic plan and no architect or engineering studies have been employed at this time. He indicated this type question could be considered at that stage. He stated that impact on this building is one that will have to be considered in the plans and in the purchase of the property. Wesley Williams, 1101 Delaney Drive, President of the Downtown Development Corporation, was at the meeting to urge the Council to look with favor on approval of this application. He stated he would have difficulty thinking of another project in the

City of Raleigh that has received such an indepth consideration as this one. He stated the study and consideration has gone on about six years with many groups in the City involved and we have finally reached a conclusion that everyone involved is backing. He stated he would hope that the City Council, the State and UMTA will act favorably on this application as it is truly in the public interest and will provide the ridership of the transit system in Raleigh what they deserve and need. He urged the Council's favorable consideration of the application.

Phil Harvell, Chairman of the Transit Authority, expressed appreciation to the Council for the position we are in at this point. He urged the Council to approve this application as it would provide a transfer facility that the ridership of the bus system and the City of Raleigh deserves. He indicated this plan is supported by many groups and people and everyone is together and behind it and they don't want anything to happen to slow the momentum on this project. He stated that consideration to Mr. Briggs property should be considered when and if the property is purchased.

Dr. Irvin Rovner, 1902 Alexander Road, indicated he was a member of the Transit Authority but he was at the meeting tonight to speak on his own behalf. He indicated that as a member of the Transit Authority he voted to recommend approval of the plan before the Council tonight and he supported the Transit Authority's recommendation in urging the Council to approve the application. He stated he was not at the meeting to speak against the application or to ask the Council to vote against the application. He indicated he wanted to talk about a comprehensive plan for transportation and transit in the City of Raleigh. Mr. Rovner presented a detailed statement relating to transit in the City of Raleigh as it relates to the use of private cars and the consideration of the City of Raleigh to construct a 457 car parking deck in this area. He indicated he was not opposed to the construction of the parking deck as he feels it could provide some dual use. He gave facts and figures relating to construction cost of a parking deck and related it to fare increases and the possibility of this money being utilized to decrease the need for fare increases in the City of Raleigh. Mayor York indicated there would be income from a parking deck and that should be considered. Mr. Edwards pointed out Mr. Rovner tossed out a lot of figures - cost of constructing parking decks, etc. and he feels that these should be studied by a committee so that they are not picked up and taken out of context. Mr. Jordan MOVED THAT MR. ROVNER'S COMMENTS RELATIVE TO A COMPREHENSIVE TRANSPORTATION PLAN, PARKING DECK CONSTRUCTION COST, ETC. BE REFERRED TO LAW AND FINANCE COMMITTEE. His motion was seconded by Mr. Edwards.

No one else asked to be heard, therefore, Mayor York closed the hearing. Mr. Upchurch MOVED THAT ADMINISTRATION BE AUTHORIZED TO SUBMIT THE GRANT APPLICATION AS EXPLAINED AND THAT THE MAYOR BE AUTHORIZED TO SIGN THE APPLICATION AND ANY SUBSEQUENT GRANT CONTRACTS AS A RESULT OF THE APPLICATION. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. Resolution 196.

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED, WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

RESOLUTION NO. (1983) 196

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects;

WHEREAS, the contracts for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs;

WHEREAS, it is required by the U. S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder;

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with these projects, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services; and

WHEREAS, the North Carolina Board of Transportation is willing to participate at the level of 10% of the total project cost;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA

1. That the Mayor and the Director of the Department of Transportation are authorized to execute and file an application on behalf of the City of Raleigh with the U. S. Department of Transportation and with the North Carolina Department of Transportation to aid in the financing of:

A. Construction of Off-Street Transit Transfer Facility

2. That the Mayor and the Director of the Department of Transportation are authorized to execute and file with such application an assurance or any other document required by the U. S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. That Don Blackburn, Transportation Director, is authorized to furnish such additional information as the U. S. Department of Transportation and the North Carolina Department of Transportation may require in connection with the application or the project.

4. That the Mayor and the Director of the Department of Transportation are authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

5. That the Mayor and the Director of the Department of Transportation are authorized to execute grant contract agreements on behalf of the City of Raleigh with the U. S. Department of Transportation and with the North Carolina Department of Transportation for aid in the financing of: Construction of Off-Street Transit Transfer Facility.

Adopted: 3/15/83

ANNEXATION - NORTH BOULEVARD CENTER - HEARING - ITEM TO BE PLACED ON THE APRIL 5, 1983, AGENDA

This was a hearing to consider the annexation of an area known as North Boulevard Center. Assistant City Manager Benton explained the location of the proposed annexation, number of residents, proposed property value, and how the area meets State requirements for annexation. He indicated the area is served by water and sewer and involves two pump stations that will be taken over by the City for maintenance if annexation occurs. He stated there would be some minor water and sewer to be installed. Park facilities would include Green Road Park. He indicated fire protection would be provided by Stations 11 and 15 and we have plans for an additional fire station in that area. He stated, in the meantime or interim period, we would provide for fire protection with a contract with the New Hope Fire District. Police and garbage collection would be covered by extending existing beats and routes. He explained that all of the procedures have been followed for annexation and Administration would suggest that if annexation occurs, that it be effective June 30 and regular services would begin immediately upon the effective date of the annexation. He indicated taxes are due and payable by September 1 which would cover the fiscal year July 1, 1983, through June 30, 1984. He pointed out one question that has come up about this proposed annexation relates to the pump station serving the Spring Forest Road Apartments explaining this was put in by the developer at the developer's expense. He explained at the time there was sewer available to this area by gravity flow and it was the choice of the developer to install the pump station. He indicated since it serves only one property, it is understood that that pump station would remain the private developer's responsibility. The Mayor opened the hearing to the public.

Attorney Marvin Musselwhite indicated he was representing the two major developers of North Boulevard - North Boulevard Industrial Park and North Boulevard Plaza. He indicated that they would prefer that the annexation be sometime in the future explaining they want order and harmony in development and growth, but they do not feel the timing is right at this point. He explained they have two major concerns. One relates to some of the undeveloped land and their request that it be deferred to a later annexation and the second concern is the desire to have the City to build a railroad underpass at Spring Forest Road Extension. Attorney Musselwhite explained two undeveloped properties pointing out the first is about a 65 acre tract which is proposed for shopping center development. He explained the owners have spent in excess of 1.3 million dollars for the infrastructure improvements in the area. He stated they have no return on that property at the present time and presently have no potential source of return. He stated, in consideration for deference of annexation of this property, the owners would agree to voluntarily petition for annexation say with the construction of the shopping center or in a certain time period. He indicated there is a second area that is totally undeveloped at present at the corner of Millbrook and Green Road. He indicated they feel that this area is premature for annexation pointing out they feel the proper time for the owners to petition for annexation is when the area is one-half developed, or at the outside, within the next three years. He indicated the owners see no benefit for these lands to come into the City as they need no service at this point, again explaining there is no source of income to offset the increased taxes and there is no benefit to this property. He stated they did not feel it was unreasonable to defer the annexation on these two undeveloped properties.

Attorney Musselwhite indicated the second major concern was explained to the City's Public Works Committee a few weeks ago and that is the desire for the construction of an underpass by the City at Spring Forest Road. He indicated their reasoning is if their client is going to be made a part of the City, then they should be a part of the City and have a way to get to the property. He stated they feel that the development of the Spring Forest Road would accelerate a higher class of development if there were road access by the means of Spring Forest Road and an underpass at the railroad. He indicated if this development does occur, it will mean an increased tax

base for the City, more dollars to the City, and the evaluation be higher. Therefore, they feel there will be a cost benefit ratio to the City to build this underpass. He stated they understood the underpass would cost something over $1,000,000 and they feel that it will be less expensive to build it at the present time and simultaneously with Atlantic Avenue. He stated the timing is right and, again, he feels it will be less expensive to build it now. He stated he knew the first question to come up was where would the City get the money to build this project and he knows the Public Works Committee is studying that. Attorney Musselwhite pointed out one year's taxes in this area would generate approximately $1,000,000. He explained the opinion that money could be saved by serving this area with the existing fire station at Millbrook Road if they could use Spring Forest to get to the area and that would eliminate the immediate construction of a fire station in the Mini-City area. He pointed out he understands that it would probably cost about a half a million dollars to construct that fire station and if we delay the personnel cost for approximately three years, then that would generate approximately $750,000. He explained, in addition, he felt that some areas south of 401 would voluntarily petition for annexation. He pointed out if the road were built and the area were annexed, then approximately 4.6 million dollars in infrastructure would be given to the City in this area. Thereby, he feels the City should be willing to make some investment for this annexation.

Martin Winfree, MAI, with Worth and Wachtel, indicated he has been familiar with this project since 1974. He stated he was asked to look at the proposal explaining the large industrial development is concentrated along North Boulevard. He stated if the area is going to attract the quality of development that is desired in this area, there should be some outlet from the western part of the Park to the rest of the City. He indicated besides protecting the existing tax base, he feels that this outlet would increase tax values and the quality of construction and, in his opinion, it could be fifteen to forty percent higher tax value in the area if there were some outlet. He indicated there are approximately 120 acres of undeveloped land in this area and it would be more attractive and would result in more rapid increases in tax base. He indicated there is a clear trend developing relating to companies dealing with electronics and explained the Exide Corporation has moved into this area. He indicated if there were better access from the western part of this property, he feels that the development would be more office oriented or pure office type use. He stated, in addition to encouraging development in this area, he feels that the railroad underpass would increase individual development in the areas outside the center proper.

Ed Vick, with Kimley-Horne, indicated he had been asked to look at the travel time from the existing fire station for protection to the area. He stated with the underpass a fire truck could get from the Millbrook Fire Station to the area within the five minute response time and cover the whole park area in the response time without the City having to construct another station. He indicated, without the Spring Forest underpass, he feels we have a major misdirection for people getting into the area pointing out to get into the area from the west you have to go far north and come back or far south and go back up. He stated an East-West artery is much needed in this area and with the development of the underpass, we would have an East-West artery and be able to provide very adequate fire protection without another station.

Steve Stroud indicated he was representing the owners of One North Commerce Center and Arborcrest which represents about 70 acres in this area. He indicated he would be in the position to recommend to the owners of this property that they support voluntary annexation if Spring Forest is put in place. He stated it is needed to locate some of the high-tech industry in this area. He explained he has lost out because there is no direct tie to the North Raleigh bedroom communities from this area. He explained if Spring Forest is put in place it would enhance the area and tax base and would increase development at a much faster rate. He stated there is no better time to build this road than today pointing out if the City acts quickly, he feels that they will save the citizens many dollars by constructing a much needed road and underpass at a good time.

Lacy Reeves, 615 Oberlin Road, indicated he was the attorney representing Black & Decker who owns about 32 acres in this area. He stated it is a major distribution center and he was at the meeting to suggest that this portion be deleted and not annexed at this time. He pointed out this particular portion is largely industrial in character and the land use differs from the land use of the other areas under consideration. He indicated services are in place as they were provided by the developer and his client is satisfied with being outside the City, therefore, he would propose that the area north of Millbrook and west of U. S. 1 North be deleted from the proposed annexation.

Victor Bell, owner of Marjan, Limited, indicated he owns an 11 acre tract of land at the corner of Departure Lane and Spring Forest Road. He stated he, too, would support voluntary annexation if the underpass were cut through. He stated he had owned the property for several years and has had a number of prospects for the property but lack of access was the major deterrent. He explained Spring Forest has been on the plan for a number of years and it is time that it is constructed. He again stated he would comply with voluntary annexation with the extension of Spring Forest Road.

Bob Kerr, 4917-D Pebblebeach Drive, indicated he is a resident in the area and also an employee of L. D. Brinkley whose offices are in the area under consideration. He stated he was representing his company at the hearing and his main question is what services can they expect that are not now provided. He stated they do not find any initial benefit to their company upon being annexed into the City pointing out presently they have police protection by the County Sheriff Department and when they have needed them, they have been there in 4-½ minutes. He stated presently they have fire protection from New Hope Fire Department and that is what the City is planning to provide. He pointed out much of the water, sewer, roads, etc. have already been provided by the developer. He stated his company has not taken a position on the annexation but he is at the meeting merely to find out if they will be provided any additional services. He stated they wondered if their reduction in water and sewer costs, fire protection, garbage protection would be outweighed by the additional tax. Various Council Members explained benefits of being in the City such as lower insurance rates, lower water and sewer rates, garbage collection provided through taxes, etc. Mayor York indicated if Mr. Kerr would leave his questions with the City, we would be glad to reply with Mr. Kerr pointing out they are mainly asking the City to provide them with information as to what benefits his company will get by being annexed.

MS. BABB EXCUSED FROM THE MEETING AT 8:30 P.M.

Trent Weaver, President of Weaver Volvo, asked the Council to consider omitting his 5.7 acres from the proposed annexation at this time. He pointed out he purchased this 5.7 acres some three years ago when the City throwed them out because the Housing Authority purchased the land they were on. He stated the Housing Authority evicted them but not before they doubled their rent, etc. He stated he was for growth and he is a part of the Plaza Program and he would ask the Council to consider giving them another year or two of breathing time before being taken over by the City pointing out he was just getting over being thrown out of the City. Warren Johnson, 8000 Shellnut, indicated he was representing Exide Corporation. He explained they had been growing in the Raleigh area pointing out they moved to Raleigh because of the favorable tax situation that they were enjoying. He explained in 1982 their tax bill was $160,000 but if they are annexed, they will be paying $340,000 and they do not see how they will get that much benefit from being in the City. He stated he would agree with the Attorney representing Black & Decker in requesting that the industrial area be eliminated from the proposal. He explained that they are in a fixed budget time situation and they would have to look at this additional tax as nonrefundable as far as they are concerned because they quote prices six months in advance and cannot pass this increased tax along to their customers.

A representative of Ryder Truck indicated he was opposed to the annexation and would ask the Council to consider omitting the Ryder Truck property from the proposed annexation. He stated due to the nature of their business, they own and operate approximately 200 trucks out of this location. He indicated the additional tax will create a burden on their company. He explained that Ryder Truck was once located in the City but about five years ago they moved out because of the high tax. He stated he feels the benefits that Ryder Truck receives now are quite adequate and they do not see that they will benefit from being added to the City. City Manager Zachary explained immediately upon annexation, any tax for fire district would drop, garbage collection would be free, water rates would drop drastically, etc. He indicated the people who are quoting the additional tax burden are not taking into consideration the lowering of many of the rates they now pay.

Allen Hunter, representing Canteen Corporation, indicated he was opposed to the annexation due to the increased cost and he would go along with the other speakers who have requested that the industrially zoned land be left out of the proposed annexation. Tom Dodds, 1814 Varnell Drive, indicated he does not own anything in this area. He pointed out he is an individual taxpayer who pays to help support the City of Raleigh. He stated cities must grow and achieve more taxpayers. He indicated the City must increase its tax base to get the burden off of the back of the existing taxpayers. He indicated every day we have a great influx of people coming into the City utilizing our streets, etc., but do not pay anything to support the City. He indicated if we cannot grow we have to do things such as put in toll gates on the Beltline, a payroll tax, or whatever to get the people who utilize the City facilities to help pay for them. He pointed out the City of Raleigh supports many nontaxpaying citizens such as State Government, Central Prison, etc. He called on the City to get off of his back and enlarge the City so that the tax base would increase and to go to alternate financing methods. No one else asked to be heard, thus the hearing was closed. Brief discussion took place as to the procedure that would take place now with City Attorney McCormick indicating the matter could be referred to a committee or placed on the next Agenda for further consideration. He pointed out the City Council could not take final action on the annexation at tonight's meeting. Mr. Edwards MOVED THAT THE NORTH BOULEVARD CENTER ANNEXATION QUESTION BE PLACED ON THE APRIL 5,1983, AGENDA. This motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ANNEXATION U. S. 70 WEST - DURALEIGH - HEARING - TO BE PLACED ON APRIL 5, 1983, AGENDA

This was a hearing to consider the annexation of an area known as U. S. 70 West - Duraleigh. Planning Director Chapman explained the proposed annexation which includes some 70 acres and 29 dwelling units. He explained how services will be provided and the fact that a major waterline in Duraleigh Road would need to continue and enclose the loop. He explained the legal procedures for the proposed annexation

have been followed. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Jordan MOVED THAT THE PROPOSED ANNEXATION OF THE AREA KNOWN AS U. S. 70 WEST - DURALEIGH BE PLACED ON THE APRIL 5, 1983, AGENDA FOR FURTHER CONSIDERATION. His motion was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ANNEXATION - TOWER COMMERCIAL CENTER - HEARING - TO BE PLACED ON APRIL 5, 1983, AGENDA

This was a hearing to consider the annexation of an area known as the Tower Commercial Center. Assistant City Manager Benton explained the area proposed for annexation contains all commercial development. He indicated the area has approximately $17,000,000 in property tax value. He explained there would be no major water and sewer main extensions and how the area would be served by City services. Mr. Benton indicated fire protection would be provided by Fire Stations 12 and 7. He pointed out in an earlier annexation hearing there was much discussion about the fire station location. He pointed out a single fire station is very important but to provide adequate fire protection, we must have multiple service. The Mayor opened the hearing to the public.

Harry Elby, President of Telex, indicated they are not opposed to the annexation as he feels that they will benefit greatly by being a part of the City. He stated, however, for the annexation to be effective June 30, 1983, would present a severe hardship on Telex. He indicated Assistant City Manager Benton had stated that there would be approximately $17,000,000 in property tax value but pointed out they have 13.8 million dollars in inventory, 3.8 million dollars in equipment and machinery themselves so the property tax value is much greater than the planners anticipated in terms of their own business. He stated their business requires them to make two and three year long term deals with fixed prices and they need some time to include this additional tax in their prices. He indicated the County tax bill last year was $145,000 and in 1983 it would be $382,000. He stated after allowing for the benefits of annexation the net financial burden to Telex because of the annexation would be $182,000 and that works out to be $286 per employee. He indicated the risk here is the very stable work force pointing out they have a $16,000,000 annual payroll. He stated they are a New York Exchange Company and deal with some 2,000 tax districts throughout the country. He indicated one thing that has come to the Corporate Headquarter's attention is the North Carolina inventory tax, in particular, and there is much concern about that inventory tax. Mr. Elby indicated they believe annexation is proper but they do not feel it is good business to do it on such a short notice. He suggested that the annexation of their property be deferred for two years. Mr. Upchurch suggested Mr. Elby address the General Assembly with his concerns with Mr. Elby indicating they would be glad to do that. Tom Dodds, 1814 Varnell, indicated his brother-in-law in on the Governor's 2001 Task Force and they plan to eliminate this inventory tax and he feels it should be eliminated. No one else asked to be heard, thus the hearing was closed. Mr. Jordan MOVED THAT THE PROPOSED ANNEXATION OF TOWER COMMERCIAL CENTER BE PLACED ON THE APRIL 5, 1983, AGENDA FOR FURTHER CONSIDERATION. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ANNEXATION - THE SHIRE APARTMENTS - HEARING - TO BE PLACED ON APRIL 5, 1983, AGENDA

This was a hearing to consider the annexation of The Shire Apartments. Planning Director Chapman explained that this includes 44 acres and 424 people. He pointed out all utilities are existing and fire service would be from Stations 8 and 5. He explained how other services would be provided to the area and the property tax value and how it meets the requirements for annexation. The Mayor opened the hearing. Assistant City Manager Benton indicated he had received a letter from Attorney John Culbertson questioning the $21,000 Special Tap-on Fee and how this would be affected by the annexation. Mr. Benton indicated that is a Code requirement and the annexation would have no effect. No one else asked to be heard, thus the hearing was closed. Mr. Jordan MOVED THAT THE PROPOSED ANNEXATION OF THE SHIRE APARTMENTS BE PLACED ON THE APRIL 5, 1983, AGENDA. This motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SOCCER FIELDS - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mr. Jordan indicated he had been contacted by the Soccer League pointing out they have had problems in finding a place to play and practice. He requested THAT THE SOCCER TEAMS AND THE NEED FOR PLAYING FIELDS BE REFERRED TO LAW AND FINANCE COMMITTEE. Without objection, the item was so referred.

EXECUTIVE SESSION - HELD

Mr. Calloway MOVED THAT THE COUNCIL GO INTO EXECUTIVE SESSION TO CONSIDER A LEGAL MATTER CONCERNING A FORMER EMPLOYEE OF THE CITY. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The City Council went into Executive Session at 9:10 p.m. in the Old City Council Office.

The City Council reconvened in open session at 9:25 p.m. Mr. Edwards MOVED THAT THE MEETING ADJOURN. His motion was seconded by Mr. Walters and put to a vote which passes unanimously. The Mayor announced the meeting adjourned at 9:25 p.m.

Gail G. Smith
City Clerk and Treasurer

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